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THE AMENDED
SCHOOL LAWS
OF OREGON,

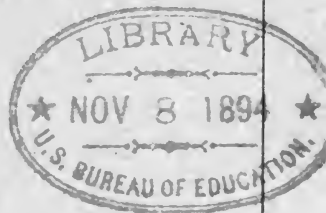
INCLUDING AMENDMENTS MADE BY THE

SEVENTEENTH LEGISLATIVE ASSEMBLY

TOGETHER WITH THE

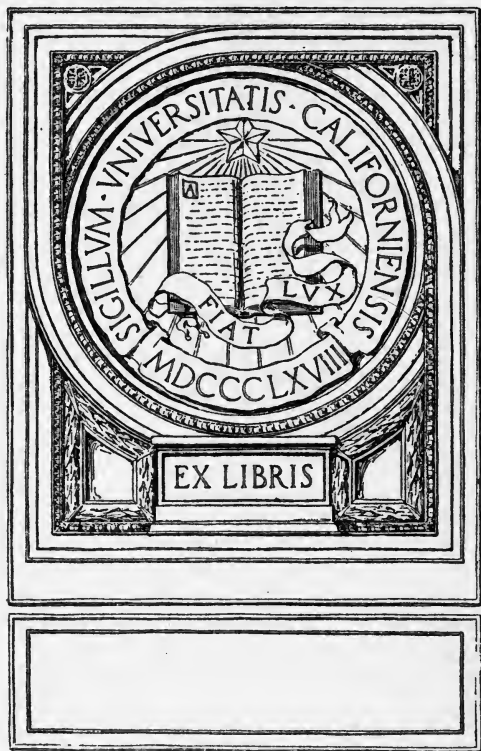
RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION,
BLANK FORMS FOR THE USE OF SCHOOL OFFICERS, THE
CONSTITUTION OF THE STATE OF OREGON, ETC.

Compiled by Superintendent of Public Instruction by direction of Secretary of State.



SALEM, OREGON:
FRANK C. BAKER, STATE PRINTER.
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PREFACE.

AMENDED SCHOOL LAWS.

By the direction of Hon. Geo. W. McBride, Secretary of State, I have prepared this edition of the school laws with special reference to the growing wants of our school system, and for the information and convenience of school officers.

Chapter I of this edition contains the school laws, amendments thereto, and abstracts of decisions in the supreme court of Oregon touching school questions, and special school acts.

Chapter II contains the revised rules and regulations of the State board of education for the government of public schools and school officers.

Chapter III contains blank forms for the use of school officers.

Chapter IV contains the constitution of the State of Oregon, with annotations, notes, references, etc.

Chapter V contains miscellaneous suggestions and information for the use of superintendents, district school officers, teachers, etc.

The official duties of school officers set forth in the school law, although apparently clear and simple, yet become complicated in many ways concerning the duties and responsibilities of school officers in the matter of school meetings, election of school directors and clerks, care of school property, resignations and vacancies in office, change of district boundaries, qualifications, salaries and employment of teachers, appeals to county or State superintendent, care of school property, use of school property, school sites, school taxes, district records, purchase or sale of school property, duties of directors, etc.

During the present administration, many appeals and cases of a complex nature have been referred to the department of public instruction for decisions. The settlement of these questions has required constant and extensive investigation and research, not only in the practice and decisions in the courts of this State, but especially in the more extensive practice of the courts in the older States.

It should be remembered, however, that while these decisions have been sufficient, in almost every instance, to adjust the special difficulties for which they were given, yet they do not have the full force and effect of legal decisions given by the highest legal tribunals, the circuit and supreme courts of the

State. The main object of these decisions is to harmonize the general school work of the State, and to reduce to a minimum school strifes and complications.

Several amendments of much importance were made to the school laws at the seventeenth regular session of the legislature, which will be made fully apparent to school officers by a careful perusal of the law.

The school law in regard to appeals is found in subdivision 14, section 25; subdivision 5, section 7; rules 2, 3, 4, 5, 6, 7, 8, 26, 27, 28, 29, 30, and 31, rules and regulations State board of education.

The wisdom of referring school complications to superior school officers is apparent, and for many reasons.

First—A difficulty in a school district is generally not long confined to the parties immediately concerned, but it soon takes shape and enters into all the social and local conditions of society; it assumes a prominent place in each family, and is discussed pro and con around the home firesides; it spreads among all the families; it figures in the election of district school officers and in the selection of teachers; it affects the immediate condition of the school, and injures the present and future discipline of the school; it often reaches out and becomes the quarrel not only of the district but of the entire vicinity; and if the trouble once grows into a lawsuit and the parties engaged spend money and temper upon it, then, indeed, does it become complicated and difficult of settlement. Hence the provision for a prompt and free decision by the county superintendent, thus avoiding the many delays, expenses, vexations, internal dissensions, and bitter resentments of a neighborhood lawsuit.

Second—Again, this special feature of school supervision and school authority, now granted the county superintendent over the affairs of the schools and school districts of his county, has been wisely enacted by the legislature for the best public interest and for the continuous advancement, peace, and prosperity of the school system itself. If the numerous disputes and complications frequently arising must necessarily be settled or adjudicated in courts-at-law, then, indeed, would our school work soon lapse into a careless and unrestrained apathy and anarchy. On the other hand, these matters may now be very properly referred to the peaceful court of the county superintendent for settlement and adjustment, thus avoiding the many costs and delays, and counteracting the internal rage and lasting resentments usually arising out of school district lawsuits.

Third—When disputes arise, then, in school districts, the disputants should first seek the opinion and advice of the county superintendent. If his decisions prove sufficient and satisfactory, this ends the difficulty. If not, then the county superintendent will send a written statement of the case or matter (giving the history and facts pertaining thereto) to the Superintendent of Public Instruction. The county superintendent is now familiar with the case; he has already examined into it and afforded the parties a full hearing;

he is now acquainted with all the essential points at issue, and can now intelligently embody them in his statement to the central office.

Fourth—When questions arising out of school difficulties and complications are submitted to the Superintendent of Public Instruction, he must decline to pass upon or render decisions in such cases unless they have been previously referred to the county superintendent for his consideration and decision. When they have passed through this regular channel, viz., through the office of the county superintendent, then they will receive prompt attention in the central office, and not before. This rule is established—not to organize a system of “red-tape routine”—but to institute, first, a uniform system of school business; second, to protect the county superintendent in the discharge of his duties and from *ex parte* evidence and misrepresentations in these school troubles; third, in this way only may the ends of equity be secured; fourth, these school complications have become so numerous in the aggregate the State over, that it has become impracticable for the Superintendent of Public Instruction to answer all these questions unless they pass through the regular channel mentioned above.

Fifth—In case a county superintendent desires to submit questions touching school matters, difficulties, law, etc., he must at the same time and with the same submit his opinion in each case, or a copy of the decision rendered by him in each instance.

Sixth—When school cases are brought before the county superintendent, it does not follow that they shall be conducted with all the formality of lawsuits in courts of law. The county superintendent or his board of county examiners have full discretion as to the manner of hearing appeals and establishing local rules and regulations for their own government, when the same do not conflict with the rules and regulations adopted by the State board of education in reference to the same. All appeals arising under rules 26, 27, and 28, rules and regulations State board of education, may very properly come before the county board of examiners for hearing and settlement.

E. B. McELROY,
Superintendent of Public Instruction.

*SCHOOL LAWS.

CHAPTER I.

TITLE I.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Section 1. The office of Superintendent of Public Instruction is hereby detached from the office of Governor and created a distinct and separate office. The Superintendent of Public Instruction shall be, in the first instance, elected by a joint ballot of this legislative assembly, and he shall hold his office until his successor is duly elected and qualified. OCT. 29, 1872. § 1. Superintendent of Public Instruction. Office of, etc. p. 1205.

Section 2. A Superintendent of Public Instruction shall be elected at the general election of the year eighteen hundred and seventy-four, and every four years thereafter, and shall qualify and enter upon the discharge of his duties at the time fixed by law for other State officers. He shall receive an annual salary of eighteen hundred dollars, payable in the same manner as the salaries of other State officers are paid. FEB. 21, 1887. § 1. Election and salary. p. 1206.

Section 3. The Superintendent of Public Instruction shall be provided with an office located at the State capitol, furnished with the necessary stationery, lights, fuel, etc., to be paid for in the same manner that the expenses of the offices of Governor, Secretary of State, and Treasurer are paid. OCT. 29, 1872. § 3. Location of office, etc. p. 1206.

Section 4. First—It shall be the duty of the Superintendent of Public Instruction to exercise a general superintendence of the county and district school officers and the public schools of this State. FEB. 21, 1887. § 2. Schools and school officers. Visits. p. 1206.

Second—He shall visit, as far as practicable, every county in the State annually, in the interests of education.

Section 5. First—He shall hold a teachers' institute in each judicial district biennially. Ibid. § 3. Institutes, district and county, visits, statistics. p. 1206.

* NOTE.—In addition to the marginal references to the sections of the original acts of the legislature composing the school law, figures are also placed in the margin to show the page in Hill's Oregon code where each section may be found.

FEB. 21, 1887. §3.
Same subject.

Second — He shall attend all county institutes held by county superintendents, when practicable, and shall assist in securing lecturers and instructors, and in the organization and development of institute work in each county. He shall visit, as often as practicable, the principal schools of the State, and shall give such instruction in regard to discipline and teaching as he may deem necessary; and he shall also keep statistics of the condition of schools, buildings, grounds, appurtenances, apparatus, libraries, the conduct and standing of pupils, the methods of instruction, and the discipline and government of schools, etc.

Third — He shall visit in person, when possible, all the chartered educational institutions of the State, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, etc., as he may deem advisable for the advancement of education and for the information of the legislature.

Ibid. § 4.

Uniform series
of blanks, reg-
isters, forms,
etc. p. 1206.

Section 6. First — It shall be the duty of the Superintendent of Public Instruction to prepare such uniform series of suitable blanks, registers, forms, rules, and regulations, as he may deem necessary for making all reports and conducting all needed business under the school laws of the State, and the Secretary of State shall cause the same to be printed, and distributed by the Superintendent of Public Instruction to the various counties in the State for use in school districts and public school work.

Ibid.

Receipts for
school supplies

Second — The county school superintendents shall receive and receipt to the Superintendent of Public Instruction for all supplies of blanks, registers, other supplies, etc., forwarded to them for use in their schools, and shall cause the same to be distributed to the various district clerks and directors, taking their receipts for the same, and these receipts must be filed in the county superintendent's office as a part of the permanent records thereof.

Ibid. § 5.

Annotate and
compile school
laws. p. 1207.

Section 7. First — He shall act as secretary of the board of education.

Second — He shall annotate and compile all school laws that may be ordered published during his term of office, and he shall include in such compilation all necessary blank forms for the use of school districts and district officers, so as to secure uniform action throughout the State.

Ibid. § 5.

Call meetings
of county su-
perintendents.

Third — It shall be the duty of the Superintendent of Public Instruction to call district and State meetings of the several county school superintendents, if he may deem the same advisable, and if in his judgment the same may be conducive to the interests of education. These meetings shall be held at such times and places

as he may appoint, and shall be held to consider the best manner of conducting schools, school management, duties of teachers, school officers, and superintendents, methods of teaching, the merits of mixed and graded schools, and other important matters touching the advancement of the public schools.

FEB. 21, 1887. §5.
Issue letters
and circulars.

Fourth — He shall, whenever he may deem the same important and expedient, issue printed letters and circulars of information, advice, explanation, construction, or information to all county superintendents and district school officers relative to the duties of teachers, directors, pupils, parents, and guardians, the management of schools, and all other questions of general and special interest in the cause of education.

Fifth — He shall decide, without cost to the parties appealing, all questions and disputes that may arise under the school laws of the State; *provided*, that he may refer any question of importance to the State board of education for their decision; *and provided*, that all decisions, regulations, and forms of procedure, on part of the board, in matters of school controversies, shall be regulated and established by such rules of the board as they may establish. All decisions of the Superintendent of Public Instruction and the State board of education shall be binding in law until a different decision shall be given in the circuit and supreme courts of the State.

Ibid.
Decisions,
appeals, etc.

Proviso.

Section 8. He shall, at least once in each year, hold a State teachers' association, and at such time and place as in his judgment will best promote the general interests of education.

OCT. 18, 1878. §1.
State teachers'
association. p.
1208.

Section 9. He shall make out, quarterly, a statement of the necessary traveling expenses incurred in the discharge of his duties, which claims shall be audited by the State board of education, and paid as other claims against the State.

OCT. 29, 1872. §9.
Traveling ex-
penses. p. 1208.

Section 10. The State Superintendent of Public Instruction shall, under the direction of the State board of education, issue a circular to each county superintendent and to each member of the State board of examiners, containing a list of studies required to be taught in the public schools, together with the wholesale, retail, exchange, and introductory prices of all books in said list. Each person entitled to vote under this act shall, after due consideration, write opposite each study the textbook or series of textbooks preferred. The aforesaid county superintendents and State examiners shall transmit such circulars fully answered to the Superintendent of Public Instruction, who shall cause the same to be laid before the State board of education; and the textbook or series of textbooks in any one branch receiving the majority of all the votes of

FEB. 25, 1889.
FEB. 21, 1893.
Selection of
school books

FEB. 21, 1893.
Same subject.

Proviso.

Proviso.

Proviso.

the said county superintendents and state examiners shall be the authorized textbook or series of textbooks, in that branch in the public schools of this State for six years next succeeding the official announcement of the Superintendent of Public Instruction; *it is further provided*, that the publishers of the textbooks or series of textbooks that may be adopted under this act shall be required to file a good and sufficient bond for the performance of any or all of agreements made with them by the State board of education that they shall maintain the wholesale and retail prices for the period of their adoption, which prices shall be named in the proposals of publishers to the State board of education prior to the adoption of such textbook; *and it is further provided*, that publishers shall also file with each county superintendent and member of the State board of examiners a copy of the proposals furnished to and for the consideration of the State board of education, and also that the publishers (whose books are adopted) shall be required to place a printed card in each schoolhouse, giving the wholesale and retail prices of all books published by them and selected for use in the public schools of this State; *provided further*, that the said State board of education shall, prior to said election, issue a circular to all of the leading school-book publishers in the United States, which circular shall set forth all the details relative to said introduction of textbooks for use in the public schools of Oregon as said State board of education may deem for the best good of the public service, and said circular of the State board of education to publishers shall set forth all requirements in detail as follows :—

1. Relative to such samples of textbooks as shall be forwarded by them to the State board of education, county superintendents, and State board of examiners for examination with a view to introduction.

2. The wholesale, retail, exchange, and introductory rates which publishers shall submit to the said members of the State board of education, county superintendents, and State examiners, also all copies of bids and propositions to be made by the said publishers to the State board of education, county superintendents, and State examiners; *provided further*, that the said State board of education shall prepare and submit to all publishers competing such uniform schedules of price lists with which said publishers must comply in entering into competition for such adoption of textbooks; *provided further*, that the said State board of education may require said publishers to establish at such convenient points in this State principal depots of supply or depositories for general

Proviso.

distribution of textbooks; *and provided further*, that they may require said publishers to establish in each county sufficient and suitable depositories whereby all the wants of school patrons and school children may be supplied; *and it is further provided*, that said publishers, in competing for said election of textbooks for use in the public schools of this State, must comply with all the rules and regulations relative thereto made by the said State board of education of the State of Oregon; and for which purpose and to secure full compliance with the same, the said State board of education shall require of said publishers such bonds as they may deem reasonable and sufficient for carrying out said rules and requirements.

FEB. 25, 1889.

FEB. 21, 1893.

Same subject.

Provido.

Section 11. If no textbook or series of textbooks in any one branch shall receive a majority of the votes of the county superintendents and State examiners, then the Superintendent of Public Instruction shall immediately report to the county superintendents and members of the State board of examiners the two textbooks receiving the highest number of votes, and from them the superintendents and State examiners shall forthwith make a selection and transmit their votes to the Superintendent of Public Instruction, which votes shall be canvassed and the result announced as in section 12 [2577] of this act, and the textbooks or series of textbooks so selected shall be the authorized textbooks as provided by this act.

Ibid. § 2.

Same subject.

Section 12. It is hereby provided that the Superintendent of Public Instruction shall issue the next circular under this act within six years after the selection of textbooks made in the year 1888, and shall issue a similar circular every six years thereafter, and require answer on or before the first day of January following, and immediately lay such answer before the State board of education, who shall canvass the answers and ascertain the series of textbooks desired, and shall instruct the secretary of the board to officially inform each county superintendent of the result of such vote; and the county superintendents shall immediately instruct the district officers in their respective counties of the series of textbooks authorized under this act; and it is hereby provided that said series shall be introduced in all the public schools of this State on or before the first day of October next after the canvass of such vote by the State board of education in accordance with the provisions for changing textbooks; and any district neglecting to provide for the introduction of the authorized series of textbooks shall forfeit its proportion of the school fund for the succeeding year, and every year thereafter until all of said series

Ibid. § 3.

Same subject.

FEB. 25, 1889, § 3 are introduced; *provided*, that when the persons in any school district between the ages of four and twenty years, as shown by the clerk's last yearly report, shall equal one thousand or more in number, the directors of such district shall have the right to select textbooks for the high schools only, but no change in the textbooks in any such district shall be made at any other time than that provided in this act; *provided further*, that nothing in this act shall prevent the State board of education ordering the Superintendent of Public Instruction to issue special circulars to the county superintendents and State board of examiners to select as in the regular vote any new textbooks or series of textbooks in use, when in the judgment of the State board of education any textbook or series of textbooks in use is supplied at an unreasonably high price, or is found to be excelled by more recent publications in that branch, or for any good and sufficient cause; and it is hereby provided that the county superintendents and State board of examiners shall select a textbook or series of textbooks immediately as in answer to regular circulars of the Superintendent of Public Instruction and report to him their choice, and such selections shall immediately thereafter be made known officially as in the regular selection; and such textbook or series of textbooks so selected shall be introduced in all the common schools of the State within six months after such announcement, and any district neglecting to so provide for the introduction of such textbook or series of textbooks shall forfeit its proportion of the school fund for each year thereafter until it complies with this requirement.

OCT. 29, 1872, § 13
Reports of superintendents,
p. 1211.

Section 13. The Superintendent of Public Instruction shall report to the legislative assembly biennially in the same manner and at the same time that other State officers make their reports. His report shall contain,—

First—The general condition of the public schools of the State.

Second—The amount of school money apportioned among the several counties, and the sources whence such money was derived.

Third—Amounts raised by county and district taxes, and the amount paid for teachers' salaries, buildings, furniture, etc.

Fourth—The series of textbooks authorized by the State board in accordance with the provisions of this act.

Fifth—The rules and regulations prescribed by the State board for the government and tuition of the public schools.

Sixth—The number and grades of the school in each county.

Seventh—The number of persons between the ages of four and twenty years; the number attending public schools, and the num-

ber attending private schools; number not attending any school. OCT. 29, 1872. §13

Eighth—He shall collect statistics concerning the chartered educational institutions of the State, including number of pupils, property, libraries, salaries of teachers, etc., etc. This shall include all institutions under the patronage of the State. Same subject.

Ninth—Any and all information that in his judgment may be useful to the public and for the advancement of the educational interests of the State.

Section 14. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver to his successors all the books, papers, etc., of his office and take receipt therefor. Ibid. § 14.
To deliver books and papers to successor. p. 1211.

TITLE II.

STATE BOARD OF EDUCATION.

Section 15. The Governor, Secretary of State, and Superintendent of Public Instruction shall constitute a State board of education. Ibid. § 15.
Board of education. p. 1212.

Section 16. The meetings of the board shall be held semi-annually at the State capitol on the first Monday in January and July. All needed stationery for the use of the board shall be furnished by the Secretary of State, and any printing authorized by the board shall be done by the State Printer, at rates allowed by law for other State work. Ibid. § 16.
Meetings of board.
Stationery and printing, how furnished. p. 1212.

Section 17. The State board shall have power,—
First—To authorize a series of textbooks to be used in the public schools in accordance with the provisions of this act. Ibid. § 17.
Powers of state board. p. 1212.

Second—To prescribe a series of rules for the general government of public schools that shall secure a regularity of attendance, prevent truancy, secure and promote the real interests of the schools.

Third—To use a common seal.

Fourth—To order any printing that may be necessary to carry into effect the provisions of this act.

Fifth—To sit as a board of examination at their semi-annual meetings and grant life diplomas, State certificates and two grades (1 and 2) of certificates of the same force as those granted by county superintendents.

Life diplomas shall entitle the holder to teach in any public school in the State during the life of the holder, unless revoked for unprofessional conduct.

A State diploma shall entitle the holder to teach in any public

Oct. 29, 1872. §17 school in the State for a period of six years, subject to revocation
Same subject. by the board for unprofessional conduct.

A State certificate of the first grade shall be good in any county for two years, and one of the second grade good in any county for six months.

The fees charged for diplomas and certificates shall be as follows:—

For State life diploma.....	\$ 10 00
For State diploma.....	6 00
For State certificate, first grade.....	4 00
For State certificate, second grade.....	2 50

The fees collected shall constitute a fund for paying the expenses of such assistants in conducting the examination as the board may deem proper.

The board shall have power to invite not less than four professional teachers to assist the semi-annual examinations; but such assistants shall not be allowed any pay other than that provided for in this act concerning fees for diplomas and certificates.

Ibid. § 18.
Board pro-
ceedings to be
published. p.
1213.

Section 18. The proceedings of each session of the board shall be published for general distribution, containing, in addition to the ordinary proceedings, the result of the examination for certificates.

Ibid. § 19.
Granting diplo-
mas, etc., with-
out examina-
tion. p. 1213.

Section 19. The State board may, at their discretion, grant, without examination, diplomas and certificates to persons presenting authenticated diplomas or certificates from other States of the like grade and kind as those granted by the board of this State.

FEB. 20, 1891.
Revoking di-
plomas, etc. p.
1213.

Section 20. All State diplomas, State certificates, or State normal diplomas granted by the State board of education may be revoked by the board for immoral or other unprofessional conduct; and all persons holding such diplomas or certificates, before engaging in teaching in any public school in this State, shall present such diploma or certificate to the superintendent of the county in which the holder proposes to teach, to be registered by the superintendent; and such holders of diplomas or certificates, while they remain in such county, shall attend institutes, assist in institute work, and perform such other reasonable duties as may be required by the county superintendent, the same as other teachers of the county are required to do. If any holder of a diploma or certificate, as aforesaid, shall refuse to perform his duties as herein specified, then it shall be the duty of the county superintendent to report such unprofessional conduct to the State board of education.

TITLE III.

COUNTY SCHOOL SUPERINTENDENT.

Ibid. § 21.
County super-
intendent,
election of. p.
1214.

Section 21. That there shall be elected by the legal voters of the several counties of the State at the biennial elections, a county

superintendent of common schools for each county, who shall hold his office for two years, or until a successor has been chosen and has qualified as required by this act. FEB. 20, 1891. §21. Same subject.

Section 22. The superintendent-elect shall qualify within thirty days after the day of election by taking an oath to support the constitution of the United States and the State of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county. Ibid. § 22. County superintendent, oath of. p. 1214.

Section 23. The annual salary of the superintendent shall be such as the discretion of the county court may deem the yearly services of the superintendents demand; *provided*, that the annual salaries now being paid to the several county superintendents by the several county courts shall be maintained; *and provided further*, that nothing in this act shall prevent an increase of the present salaries (now being paid to the several county superintendents by the several county courts) whenever such additional compensation shall be deemed necessary. FEB. 21, 1887. §1. Salary. p. 1214. Proviso. Proviso.

Section 24. The superintendent shall be liable to a fine of one hundred dollars if he does not perform the duties herein required of him, and the county court of his county shall bring suit against him, as in other cases, if he fail to pay said fine into the county school fund within sixty days from the day assessed. OCT. 29, 1872. §24. Neglect of duty, penalty for. p. 1214.

Section 25. The duties of the superintendent shall be as follows: First—He shall lay off his county into convenient school districts, and may also make alterations and changes in the same when petitioned so to do, in the manner hereinafter specified; and he shall make a record showing the boundaries and numbers of all the districts in his county so established and altered. FEB. 25, 1889. §1. County superintendents, duties of.

Second—He shall, when he establishes a new district, immediately notify, in writing, some taxable inhabitants of such district, giving in such notice the number and boundaries thereof; and when he makes alterations he shall immediately, in the manner aforesaid, notify the directors of all the districts concerned.

Third—He may establish new districts, when not already laid off, on petition of three legal voters of each proposed new district, but shall not make any changes in the districts of his county unless petitioned so to do by a majority of the legal voters of each district concerned in the change.*

* NOTE.—Where a school district has been organized under a valid law, and is in the exercise of corporate powers, the validity of its organization cannot be questioned at the suit of a private party, nor in a collateral action; and therefore a proceeding by a taxpayer to restrain the collection of a tax voted by a school district, which has at least a *de facto* existence, cannot be maintained, when the only objection to the tax is that the action of the county superintendent in organizing the district and fixing its limits was illegal. *R. R. Co. v. Wilson*, 6 Pac. Rep. 231.

FEB. 25, 1889. §1.

Division of
school property

Fourth—When changes are made in district boundaries as heretofore set forth, or when any district shall be divided into two or more parts for school purposes, the existing board of directors and clerk shall continue to act for both or all of the new districts or parts of districts, until such districts or parts of districts shall have been regularly organized by the election of directors and clerks as hereinafter set forth in sections 30, 31, 32, and 33, title IV., of the school law. The respective board of directors of all the districts concerned shall, immediately after such organization, make an equitable division of the then existing assets and liabilities between the old and new districts or between the districts already existing and affected by such change; and in case of a failure to agree within ten days from the time of such organization, the matter shall be decided by a board of disinterested arbitrators chosen by the directors of the several districts concerned. The arbitrators' decision in the premises shall be final. The said board of arbitrators shall consist of three members, of whom the county superintendent shall be a member and *ex officio* chairman. Each member of the board of arbitrators shall be entitled to the sum of two dollars, net, per day for each day's service while sitting in their official capacity, and the expenses thus occurring shall be equally apportioned among the several districts interested. Assets shall include all school property and moneys belonging to the districts at the time of the division. Liabilities shall include all debts for which the district, in its corporate capacity, is liable at the time of the division. In determining the assets, school property shall be estimated at its present cash value. The assets and liabilities shall be divided separately between the districts, in proportion to the last assessed value of the property, real and personal, and the district retaining the real property shall pay to the other district or districts concerned such sum or sums as shall be determined in accordance with the prior provisions of this section; *provided*, that all funds arising (and that shall arise during the current year in which such division is made) from the five-mill county school tax or the irreducible State school fund, shall be divided in proportion to the number of persons between the ages of four and twenty years who are actual residents of the district at the time of the division.

Proviso.

Ibid.
Apportionm't of
school funds

Fifth—He shall, on the third Monday in April and the third Monday in August of each year, make an apportionment of the entire school fund then in the county treasury, in the following manner: Of the school fund in the treasury of his county that

has been collected in pursuance of the school tax levy of the county FEB. 25, 1889. §1.
 court of his county, he shall apportion the sum of fifty dollars Same subject.
 once a year to each of the several districts of his county that has
 reported to him as required by law, and all the balance of the
 school funds, of whatever nature, thereafter remaining in the
 treasury of his county, shall be apportioned by him among the
 several districts of his county that have reported to him as required
 by law, in proportion to the number of person[s] in each district
 over the age of four years and under twenty years; *provided*, that Proviso.
 if, at the time of making such apportionment, there shall not be a
 sufficient sum of money in the treasury of his county, of the
 school funds collected in pursuance of the school-tax levy of the
 county court of his county, to enable him to apportion to each dis-
 trict in his county that has reported to him as required by law the
 sum of fifty dollars, then in that case he shall apportion the entire
 amount of the school fund then in the treasury that has been
 collected in pursuance of the school-tax levy of the county court
 of his county, pro rata among such districts of his county as have
 reported to him according to law. As soon as he shall have made
 such apportionment he shall draw orders on the treasurer in favor
 of the districts for their respective shares, and immediately trans-
 mit the same to the clerks of their respective districts; *provided*, Proviso.
 that the superintendent shall not issue or transmit any warrant to
 any clerk for school funds for any district until the clerk's bond,
 provided for by law, shall have been received, examined, approved
 by the county superintendent and filed by him in his office as
 part of the permanent records thereof.

Sixth — He shall keep a book in which he shall open an account Ibid.
 with the treasurer of his county, also with the several districts. Account with
 county treas-
 urer.
 He shall charge the treasurer with all the school funds going into
 his hands, and when the treasurer shall present to him the district
 clerks' receipts he shall credit the treasurer with the amount.
 When the superintendent shall have made any yearly apportion-
 ment of the school fund, he shall credit each district with the
 amount set apart to it, and on receiving the receipts of a clerk of a
 district from the treasurer, he shall charge the amount to such
 district.

Seventh — He shall take good care of the school lands of his Ibid.
 county, and if any person shall in any manner trespass upon the Care of school
 lands.
 same he shall prosecute him for double the amount of damage
 done said land, such sum to be paid into the county treasury, and
 shall belong to the school fund of the county; *provided*, that the Proviso.
 board of school land commissioners shall furnish to each school

FEB. 25, 1889. §1. superintendent in the State for his office the necessary plats and numbers to fully show the location of all the school lands in his county.

Ibid. Teachers' certificates. Eighth— All persons applying for certificates with the intention of teaching in any county, shall be examined in the following branches, viz.:

- Orthography,
Reading,
Writing,
Mental Arithmetic,
Written Arithmetic,
English Grammar,
- Geography,
Modern History,
Theory of Teaching,
Physiology,
Hygiene.

And if they possess a good moral character and pass examination as hereinafter set forth, they shall receive certificates of the following form, towit:

Ibid.
Same subject.

FORM OF CERTIFICATE.

No. ----- Granted to M.-----	No. ----- Good for ----- months.										
Orthography----- Reading----- Writing----- Geography----- Mental Arithmetic----- Written Arithmetic----- English Grammar----- Modern History----- Physiology and Hygiene----- Theory of Teaching-----	TEACHER'S CERTIFICATE. I hereby certify that----- is of good moral character, and that ----- has passed an examination in the following branches with annexed results:— <table><tr><td>Orthography-----</td><td>Written Arithmetic-----</td></tr><tr><td>Reading-----</td><td>English Grammar-----</td></tr><tr><td>Writing-----</td><td>Modern History-----</td></tr><tr><td>Geography-----</td><td>Physiology and Hygiene-----</td></tr><tr><td>Mental Arithmetic-----</td><td>Theory of Teaching-----</td></tr></table> Dated ----- 18----- Expires ----- 18----- General average----- Grade. County of -----, State of Oregon. ----- County School Superintendent. ----- } Assistant Examiners. -----	Orthography-----	Written Arithmetic-----	Reading-----	English Grammar-----	Writing-----	Modern History-----	Geography-----	Physiology and Hygiene-----	Mental Arithmetic-----	Theory of Teaching-----
Orthography-----	Written Arithmetic-----										
Reading-----	English Grammar-----										
Writing-----	Modern History-----										
Geography-----	Physiology and Hygiene-----										
Mental Arithmetic-----	Theory of Teaching-----										

In each county there shall be a board of county examiners, composed of the county superintendent, who shall be *ex officio* chairman of the board, and two competent persons, who shall be appointed by the county superintendent, and shall serve one year from the time of their respective appointments, and each member of said board shall receive for his services the sum of three dollars per day for the time actually employed in conducting the quarterly examinations hereafter provided for. The board, two of whom shall constitute a quorum, shall hold quarterly examinations, commencing at 1 o'clock P. M. on the second Wednesday of each of the following months, viz: February, May, August, and November of each year, at such places as may be designated by the county superintendent (who shall give ten days' notice of all examinations), publicly examine such persons proposing to teach in the public schools of the county as to their competency to teach the branches prescribed by law; and such board of examiners shall issue certificates, as hereinafter provided, to all such applicants as shall pass the required examination and satisfy the board as to their good moral character and ability to teach and govern schools successfully; *provided further*, that the time hereinbefore stated for the commencement of the quarterly examinations of each year shall be absolute and uniform in each and every county in the State. Boards of examiners shall be paid for their services as provided for in this act, which claims for services shall be certified to by the board of examiners and audited by the county court, who shall order warrants drawn quarterly upon the general fund of the county. Certificates issued by the county board of examiners shall be of three grades,—first, second, and third,—and shall continue in force respectively three years, two years, and one year, as follows: Certificates of the first grade shall not be issued to persons under eighteen years of age, nor to such as have not taught at least twelve school months with approved success. Certificates of the first grade shall certify that the person to whom issued is proficient in and has passed satisfactory examination in all the branches required by law; *provided*, that persons who receive first-grade certificates shall make a general average of not less than ninety per cent of all questions asked, and in no case shall a person receive a certificate of the first grade who shall fall below seventy per cent in any one branch. First-grade certificates shall be valid only throughout the county where given, and must be issued at the quarterly public examination; *provided further*, that such first-grade certificates shall not be issued to the same person more than once.

FEB. 25, 1889.

Same subject.

FEB. 21, 1891.

Same subject.

Proviso.

Proviso.

FEB. 25, 1889.
Same subject.

Proviso.

Proviso.

Proviso.

Ninth — Certificates of the second grade may be issued to persons of not less than seventeen years of age, who have taught successfully not less than three school months, and who shall fully satisfy the examining board as to their ability to teach all the branches required by law ; *provided*, that persons receiving second-grade certificates shall make a general average of not less than eighty per cent in all the branches prescribed by law, and in no case shall a person receive a second-grade certificate who falls below sixty per cent in any one branch. All second-grade certificates must be obtained at public examinations, and shall not be issued to the same person more than once. Certificates of this grade shall not be renewed and shall not be valid out of the county where given. Certificates of the third grade shall be valid only throughout the county in and for which they were granted for one year, and must be obtained at public examination ; *provided*, that persons who receive a third-grade certificate shall make a general average of not less than seventy per cent in all branches required by law, and in no case shall a person receive a third-grade certificate who falls below forty per cent in any one branch. Certificates of the third grade shall not be issued to the same person more than once. All certificates issued under this act shall be valid only throughout the county in and for which they are granted. A fee of one dollar shall be charged for each certificate obtained at the public examinations, which fees shall form a fund to defray the expenses of the teachers' county institutes. All fees received for certificates at public examinations shall be receipted for by the superintendent, and shall be paid by him to the county treasurer, taking his receipt therefor. All fees received from this source by the county treasurer must be credited to the county institute fund. Temporary certificates or permits may be granted by the county superintendent in case of necessity, valid only in the county where issued, and valid only until the next regular public quarterly examination thereafter held by the county board of examiners ; *provided*, that no such temporary permits or certificates shall be granted more than once to the same person, nor to an applicant who fails in an examination at the last regular public examination held by the county board of examiners. The county superintendent shall charge a fee of two dollars and fifty cents for each and every temporary certificate or permit in advance, which fees shall be receipted for by the county superintendent to the applicants receiving the said permits ; *provided*, that the said fees shall be paid by the county superin-

tendent to the county treasurer, taking his receipt therefor, and FEB. 24, 1889.
 which shall be credited to the county institute fund; *provided* Same subject.
further, that teachers who have secured first-grade certificates in
 accordance with the provisions of this act, shall be entitled to
 receive a first-grade State certificate without further examination;
provided, they have taught three years successfully in the public Proviso.
 schools of this State, and are recommended by the county super-
 intendent and the county board of examiners for the same, and
 have paid the fees as required by section 2582 of the laws of Oregon
 [§ 17 of this compilation]. Teachers who hold State certificates,
 as above set forth, and have taught four years successfully in the
 public schools of this State, shall be entitled to a State diploma;
provided, they pass an examination before the county superin- Proviso.
 tendent, or the board of county examiners, in book-keeping, com-
 position, and physical geography, and are recommended by the
 county superintendent and county board of examiners, and have
 paid the fee as required by section 2582 aforesaid [§ 17 of this com-
 pilation]. Teachers who hold State diplomas, as above described,
 and have taught not less than six years successfully in the public
 schools of this State, shall be entitled to receive a State life diploma;
provided, they pass an examination before the county superintend- Proviso.
 ent or the board of county examiners, in the additional branches
 of algebra, English literature, Oregon school law, and general his-
 tory, and present a recommendation from the county superintend-
 ent and board of county examiners, and have paid the required
 fee as set forth in section 2582 aforesaid; *provided further*, that the Proviso.
 questions for all the above-mentioned additional examinations
 shall be of the same grade as those commonly used in State exam-
 inations, and shall be furnished by the State board of examiners
 to the State board of education, who shall distribute them to
 county boards of examiners. In lieu of the fees heretofore received
 by the county superintendent from fees for teachers' certificates, he
 shall receive annually the sum of two dollars and fifty cents for
 each and every district in his county making the usual annual
 report as required by law and as set forth in section 42 of the school
 laws, which amount shall be allowed and ordered paid out of the
 general fund of the county by the county court.

Tenth — He shall visit the schools taught in his county at least Ibid.
 once in a year, and shall seek to aid, instruct, and inspire teachers School visits.
 to employ the best methods of teaching, governing, and conducting
 their schools; and he shall, if necessary, secure the proper classifi-
 cation of pupils, the arrangement of courses of study, and the care

FEB. 25, 1889.
Same subject.

and protection of school property. He shall study to awaken among parents and children a deeper interest in the public schools so as to secure improved attendance, deportment, and scholarship or [of] pupils, and more frequent visits of parents and school directors. He shall carefully observe the condition of the school-house and surroundings, note all defects and notify the board of directors of the same.

Ibid.
Annual report,
etc.

Eleventh—He shall receive the reports of all the districts of his county, and shall by the first Monday of April of each year make out his record, kept for that purpose, from the district reports a general report, adding such suggestions thereto as he may deem of importance to the cause of education, and transmit a copy thereof to the Superintendent of Public Instruction.

Ibid.
To submit an-
nual financial
report, and
other duties.

Twelfth—He shall, by the thirtieth of June of each year, make out a finance report to the county court, showing the amount of money assessed and collected at county expense and applied to county schools during the year ending the first Monday of April previous.

Thirteenth—He shall turn over to his successor in office, when he shall have qualified as required by this act, all books and papers belonging to his office.

Fourteenth—He shall hear, examine, and decide appeals from district officers and teachers without cost to the appellants, and subject to appeal to the Superintendent of Public Instruction.

Fifteenth—He shall arrange a course of study for county schools when practicable.

Sixteenth—He shall have an advisory power in the location of schoolhouses, and in the selection of teachers.

Seventeenth—He shall make special reports of important matters relating to the public schools in his county when necessary and when required by the Superintendent of Public Instruction.

Eighteenth—He shall act as *ex officio* member of the State board of examiners, and shall assist in State examinations when directed by the Superintendent of Public Instruction.

Nineteenth—He shall have power to appoint a deputy whenever the same may become expedient and necessary, but no salary shall be paid such deputy out of the public school or general fund of the county.

Twentieth—He shall advise and consult with boards of directors relative to the construction, warming, ventilation, and arrangements of schoolhouses; the improving and adorning of school grounds; methods of instruction and discipline in the school, and the condition of schoolhouses, sites, and out-buildings and appendages of the district generally.

Twenty-first—He shall use a uniform series of blank reports, registers, receipts, etc., whenever the same shall be provided by the State. FEB. 25, 1880.
Same subject.

Twenty-second—In order to develop to higher degrees of excellence the work of public school education in each county, and to secure that attention and aid which their importance demands, it shall be the duty of the county superintendent to organize and hold local institutes and educational meetings in various parts of the county at such times and places as he may deem most expedient, and he shall secure at these meetings, as far as practicable, the attendance and coöperation of school officers, teachers, and parents. For these special services the county superintendent shall receive the sum of three dollars per day and necessary traveling expenses, which accounts shall be audited by the county court quarterly, and paid by the county treasurer on warrants of the county clerk drawn on the general fund of the county.

Twenty-third—The county superintendent shall hold annually a teachers' county institute for a term of not less than three days for the instruction of teachers and those desiring to teach, and all teachers in the public schools of his county shall be required to attend, and the county superintendent may at his discretion revoke the certificate, reduce the grade, or refuse to grant a certificate to any teacher who refuses to attend the county institute without cause. The county superintendent shall receive the assistance and coöperation of the Superintendent of Public Instruction in holding annual institutes. Every teacher attending any annual county institute held in accordance with the provisions of this act shall be given by the county superintendent a certificate, setting forth at what sessions of said institute such teacher shall have been in attendance, and any teacher who shall have closed his or her school for not more than two days in order to attend said institute shall not forfeit his or her wages as teacher during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance; *provided*, that if the institute is held during the session of school, that such directors shall be required to grant two days' time of actual school service to their teachers to attend the said institute, during which said two days' time their pay as teachers shall continue. For the purpose of defraying the current expenses of the annual institute, such as rooms, lights, expenses of lectures and instructors, etc., the county superintendent shall draw an order on the county treasurer for such a sum as may be necessary to defray the expenses of said institute, which sum the county treasurer Ibid.
County institutes.
Proviso.

FEB. 25, 1889.
Same subject.

shall pay; *provided*, that such sum shall not exceed the amount of institute fund in the county treasury. The county clerk shall audit the annual institute account of the county superintendent, which account shall be filed in the county clerk's office.

Twenty-fourth — The county commissioners shall provide the county superintendent with a plot of the boundaries of the several school districts of his county, showing the property owners therein, and where present boundaries are uncertain or conflicting, shall have power to establish or correct them. The county commissioners shall also provide the county school superintendent with all necessary blanks, blank books, stationery, postage, expressage, and other expenses of his office not otherwise provided for, which said expense shall be paid for from the general fund of the county.

OCT. 29, 1872. §26
County court
may remove
superintendent
p. 1225.

Section 26. If any county superintendent shall fail or neglect to report to the State Superintendent of Public Instruction, as provided for in this act, within ten days after the time specified, the State Superintendent shall report the delinquency to the county judge of the county for which such superintendent holds office; and the county court, or a majority thereof, may declare vacant the office held by such county superintendent, and fill the unexpired term of such vacant office by the appointment of some competent person, who shall be a duly qualified elector of said county.

Ibid. § 27.
County court
may fill
vacancy. p. 1225

Section 27. In case of a vacancy in the office of county superintendent, the county court shall appoint some suitable person to fill out the unexpired term.

FEB. 17, 1887. §1.
FEB. 21, 1893.
County court
to levy tax.
p. 1225.

Section 28. The county courts of the several counties of this State are hereby required to levy, at the same time they levy other taxes, a tax upon all taxable property in their counties for school purposes, "which shall aggregate an amount which shall be as much or more per capita for each and all of the children within the county between the ages of four and twenty years, as shown by the then last preceding school census, as the aggregate amount of the school tax levied in the county for the year 1892 amounted per capita for each and all of the children between the ages of four and twenty years then in the county, as shown by the school census next preceding the time of the levy of such tax for said year 1892, which shall be collected at the same time, in the same manner, and by the same officers that other taxes shall be collected."

OCT. 29, 1872.
County treas-
urer to report
school funds.
p. 1226.

Section 29. The county treasurer of each county shall make annual exhibit of all school funds coming into and paid out of the treasury. He shall also retain and produce all the superintendent's orders by him paid off, on the yearly settlement with the county superintendent.

TITLE IV.

SCHOOL DISTRICTS.

Section 30. The taxable inhabitants of a newly-established district receiving the notice from the county superintendent as provided in section 25, under the title of county school superintendent, shall immediately write and post up three notices in public places in the district, notifying the citizens thereof to assemble at some convenient place for the purpose of organizing and electing three directors and a clerk, to serve the remainder of the school year, or until their successors are chosen and qualified. When three or more voters have assembled, pursuant to notice, they shall constitute a quorum to do business, and shall have power to do all business done at annual school meetings; *provided*, that at least ten days' notice shall be given for all meetings called in pursuance of this act; *provided further*, that in any district containing five hundred or more qualified voters this notice shall be duly published in one or more newspapers of such district in which said district is located.

OCT. 29, 1872. § 30
Notice to organize district.
p. 1227.

Proviso.

Proviso.

Section 31. Such meetings shall organize by appointing a chairman and secretary, and may then proceed to elect, by ballot, three directors, who shall hold their offices until their successors are elected and qualified. Such meeting shall also elect a district clerk, who shall hold his office until the first annual meeting thereafter, or until his successor has been chosen and qualified.

Ibid.
Organization of school meeting. p. 1227.

Section 32. The directors and clerk elected at the first meeting shall qualify immediately by taking an oath to support the constitution and laws of the United States and of the State of Oregon, and to faithfully discharge the duties of their office to the best of their ability; and the clerk shall give a bond to the directors for such sum as they may require, as an additional pledge for the faithful performance of his duties. The chairman of the meeting or any one he may choose shall administer the oath of office to the directors and clerk-elect.

Ibid. § 32.
Directors and clerks to qualify. p. 1228.

Section 33. The directors and clerk elected and qualified as aforesaid shall have the same power and shall perform the same duties hereinafter required to be performed by directors and clerks elected at the annual meeting of regularly organized districts.*

Ibid. § 33.
Powers of directors and clerks.

Section 34. Organized districts shall hold annual meetings on the first Monday of March, and shall elect one director every year for each district, who shall qualify as aforesaid and shall hold his office for three years, so that the oldest director shall retire from

OCT. 18, 1878. § 36.
Annual school meetings. p. 1228.

* NOTE.—School districts are public corporations. State v. Hullin, 2 Or. 306.

OCT. 18, 1878. § 6. office in order. The directors elected on the organization of a
 Same subject. district shall remain or retire, as a vote of the first annual meeting
 may decide; the two getting the highest votes to retain their office
 until the next annual meeting, and the one getting the highest
 vote thereat shall serve until the next annual meeting thereafter;
provided, that in any district containing five hundred or more
 qualified voters the annual election for directors and clerk shall be
 held at from 2 P. M. till 6 P. M. of the second Monday in March;
 that such election shall be by ballot, and that the judges of such
 election shall be appointed by the directors of such district, who
 shall sit at the time and place appointed to receive and canvass the
 votes and report the result to the directors; but in such districts
 the annual meeting shall be held on the first Monday in March for
 the transaction of business other than the election of director and
 clerk.

OCT. 29, 1872. § 35. Section 35. Any two directors shall constitute a quorum to do
 Quorum of di- business.

ibid. Section 36. The oldest in office of the directors present shall
 Oldest direc- act as chairman of all meetings; and in case neither of the directors
 tor chairman. is present the qualified voters present shall elect a chairman.*
 p. 1229.

FEB. 17, 1887. § 1. Section 37. The duties of directors of school districts shall be,—
 FEB. 22, 1893. 1. To authorize the clerk to call special meetings.
 Duties of direc- 2. To issue warrants to the clerks authorizing them to collect
 tors. p. 1229.

in the name of the district, and in the same manner as State and
 county taxes are collected, all taxes assessed to the inhabitants
 thereof, and upon the taxable property within the district of non-
 residents thereof.†

3. The directors shall furnish their schools with fuel already
 prepared for use, chalk, brooms, blackboards and erasers, stoves,
 window curtains, and other things necessary for the use of the
 schools; and if authorized by a majority vote of the legal voters
 present at any legally-called school meeting, they shall purchase,
 lease, or build schoolhouses,‡ buy or lease land for school pur-

* NOTE.—The words "oldest in office of the directors present," mean the director who has
 served the longest time as such under an election; and such director has the authority, and it is
 his duty, to preside as chairman at all school meetings of his district. The State of Oregon ex
 rel. G. W. Patty v. J. McKee, 20 Or. 120.

† NOTE.—Taxable property, within the meaning of the statute which authorizes the levy of
 taxes by school districts, is that property which persons within the district own, exclusive of
 indebtedness. The clerks of school districts, in making assessments, must follow the general law
 governing assessors. Stephens v. School District, 6 Or. 353.

‡ NOTE.—Claims against a school district should be presented to the board of school directors
 before the commencement of an action thereon, and the omission of such allegation in the com-
 plaint renders the same demurrable. Such requirement imposes no hardship on the claimant,
 and affords the school district an opportunity to pay without suit. Stackpole v. School District,
 9 Or. 508.

poses, and take care of and furnish their school houses with the necessary furniture, lights, apparatus, etc.; and when authorized by a majority vote of the legal voters present at any legally-called school meeting may, for all or any of the above-mentioned objects, in the name and on behalf of the said district, contract indebtedness by borrowing money, or otherwise, not exceeding five per centum of the value of the taxable property of the district, and for such purpose may issue and sell negotiable coupon bonds of the district as hereinafter provided, and may from time to time, not oftener than once a year, assess the taxable property of said district to pay the interest thereon and the principal when due, which taxes shall be collected in the same manner as other school taxes are or may be collectible by law.

FEB. 17, 1887. §1.
FEB. 22, 1893.
Same subject.

4. To see that the wishes of the district toward outside scholars who have no school in their own district or districts, or who, from proper causes, cannot attend in their own district, are duly respected.

5. To employ teachers and assist them in the government of the school.

6. The directors shall visit and inspect their schools from time to time, and when necessary may exclude any refractory pupil therefrom; but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond the current term, and may be, in the discretion of the directors, for a shorter period.

7. To audit all claims against the district and draw orders on the clerk for the amount.*

8. To require and take from the district clerk a bond with sureties, and in such amount payable to said district as said directors shall prescribe, conditioned for the faithful performance of the duties of the office of clerk of said district; *provided*, that the clerk's bond shall be equal in amount to not less than double the probable amount of all school moneys that shall come into his hands as clerk of said district; *and provided further*, that the said clerk's bondsmen shall be other than the directors of the district, and said clerk's bond shall be filed with the county superintendent of schools. Districts shall not be entitled to their proportion of the school fund unless said clerk's bond shall be filed with the county superintendent of schools within thirty days from the regular annual meeting held on the first Monday of March in each year.

Proviso.

Proviso.

* NOTE.—A contract for building a school house void because made by only one member of the school board, may afterwards be ratified and made binding upon the school district by the full board or by the school district. *Sullivan v. School District*, 18 Pac. Rep. 287.

FEB. 17, 1887. § 1 9. To examine and correct the assessment roll made by clerks
Same subject. as herein otherwise provided by law.

Proviso. 10. To levy rate bills whenever, in their opinion, it is for the best interests of the district to do so, fixing therein the amount of tuition to be paid by each pupil attending school, and direct the clerk to collect the same in the name of the district, which may be enforced by warrant issued by the directors as taxes are collected, or by action; *provided*, that in no instance shall rate bills be levied until all public school moneys (otherwise obtained) shall have been exhausted. The directors of school districts are hereby allowed to provide, from time to time, with the common school fund for their districts, for the insurance of their school buildings, and for the purchase of globes, charts, maps, and other apparatus for use in their schools; and such apparatus shall be kept at the schoolhouse during each term of school for the use of the pupils and teachers; *provided*, that the yearly expenditures thereof shall not exceed the sum of seventy-five dollars per year in districts receiving five hundred dollars or over from the common school fund, and not to exceed thirty dollars in all other districts receiving less than five hundred dollars therefrom.

Proviso.

11. The directors of any school district in the State which shall contain ten thousand inhabitants or more may, upon the petition of not less than one hundred residents and qualified electors of such school district, provide that one or more of the common schools to be kept in such district shall be taught in the German language, and the teachers employed in such school or schools, in addition to other qualifications required of teachers under the existing school laws, shall be educated in the German language and qualified to teach the same.

12. Boards of directors shall have entire control of the public schools of their district and the teachers employed therein. The board may establish such rules and regulations for the government of teachers and pupils not inconsistent with the rules and regulations of the State board of education, as the interests of the school require. It shall be the duty of the teacher, under the direction of the board, to determine what branches shall be pursued by each pupil.

13. The directors when employing teachers shall enter into a written contract with said teachers, to which contract the assent of both parties must be given in writing, and then provided that boards of directors shall not employ or permit to begin teaching in any public school any person who has not a valid certificate as required by law. Without special mention in the teacher's con-

tract it shall be understood that only the common branches are to be taught.

FEB. 17, 1887. 41
Same subject.

14. School orders shall not be issued without a vote of the board of directors, and they must be signed by the chairman of the board of directors and countersigned by the district clerk.*

15. Two directors shall constitute a quorum. Any duty imposed upon the board as a body must be performed at a regular or special meeting, and must be made a matter of record. The consent of the board to any particular measure obtained of individual members when not in session is not the act of the board and is not binding upon the district. If a contract is made without authority from the board, the individuals making such contract shall be personally liable.

16. All demands, whether by contract or otherwise, must be approved by the board of directors, when in session, before an order can be drawn on the district treasury for them, and no officer can draw an order on the treasury unless he is authorized to do so by a vote of the board at a regular or special meeting. It shall be the duty of the board to examine all contracts for the employment of teachers and the construction of schoolhouses, or for any other purpose, and to see that stipulations have been complied with before they authorize the payment of money thereon.

17. The board shall authorize the chairman and clerk to draw warrants for the payment of teachers' salaries at the end of each school month, upon proper evidence that the service has been performed, but the order for wages for the last month shall not be drawn until the teacher's report shall have been received, examined, accepted, and filed in the office of the district clerk; *provided*, that all teachers must hold legal certificates, and that said certificates must cover the entire time of the teacher's service and must specify all the branches taught, and can neither directly nor indirectly be made to legalize another teacher's services. Provide.

18. Boards of directors shall dismiss teachers only for good cause shown, and, in case the board shall pass an order to dismiss, the material reason therefor shall be spread upon the record by the district clerk. If a teacher is unjustly dismissed, he may take an appeal from the action of board in dismissing him to the county superintendent, and thence to the Superintendent of Public In-

* NOTE.—When there are outstanding warrants against a school district the clerk may pay those first presented. It is not necessary that the money of each year be exclusively applied to pay for schools taught during the year in which it was levied. Where the clerk has money in his hands applicable to the payment of a warrant, which, upon presentation he refuses to pay, the proper remedy is by mandamus. *Howard v. Bamford*, 3 Or. 565.

FEB. 17, 1887. §1.

FEB. 22, 1893.

Same subject.

struction, but a suit at law must be brought if he seeks to recover his pay upon the contract therefor. In the trial of a teacher, when it is sought to dismiss him, the board shall not prevent the teacher from making a full defense, and the teacher may appear by attorney, or otherwise, as he chooses.

19. It shall be the duty of the directors to prosecute any person who shall willfully write, make marks, or draw obscene pictures upon the walls, or any other parts of any schoolhouse or furniture thereof, and any person thus defacing or injuring public school property shall be amenable to the common law and penalty.

20. The power to locate sites for schoolhouses shall be vested in the board of directors. This authority shall be exercised with great care and without prejudice, and the wishes of the people for whom the house is designed shall be consulted as far as practicable, taking into account the prospective as well as the present convenience of the people of the district. A site near the center of the district shall be chosen, unless extraordinary and controlling circumstances shall indicate a different selection.

21. All regular and special school meetings must be convened by a written call signed by the chairman of the board and the district clerk, and the directors shall cause the clerk to post such written notices in three public places in the district at least ten days before the day appointed for said meetings; and the directors shall cause to be used in each school district a uniform series of State blanks, registers, etc., whenever the same shall be supplied by the State.

22. It shall be the duty of the directors (whenever a tax is levied in any school district for school purposes) to provide a map of the district for the use of the clerk in making assessments, so that the same may be just and equitable to all citizens of the district.

23. On the petition of ten legal voters of any school district, which petition shall be substantially in the following form, to wit:—

To the directors of school district No. —, of — county, State of Oregon: Respectfully request you to submit to the legal voters of said district the question of contracting a bonded debt of said school district in the sum of — dollars, for the purpose of —, and that you will call a school election for that purpose.

_____,
_____,

The board of directors of said district shall direct the clerk of said district to cause to be posted a notice of election, which notice of election shall be as near as may be as follows:—

SCHOOL DISTRICT BOND ELECTION NOTICE.

Notice is hereby given that at a school meeting of school district No. —, of — county, Oregon, to be held at —, in said district, on the — day of —, 189—, there will be submitted to the legal voters of said school district the question of contracting a bonded debt of — dollars, for the purpose of —, the vote to be by ballot, upon which shall be the words, "Bonds—Yes," and the words, "Bonds—No." Polls to be opened at 1 o'clock P. M. and remain open until 4 o'clock P. M. By order of the board of directors of school district No. —, of — county, Oregon.

Dated this — day of —, A. D. 189—.

(Signed)

—, Clerk.

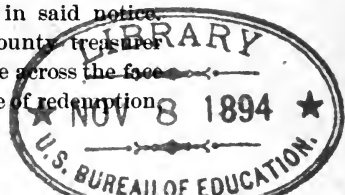
Which said notice shall be posted for the period of twenty (20) days prior to such election in at least three (3) public and conspicuous places in said district, one of which places shall be the place of meeting. The meeting shall be called to order by the chairman of the board of directors, and the taxpayers shall proceed to elect three judges and a clerk of election, who shall conduct the election. When the polls are closed, the judges and clerk shall proceed to canvass the vote, and shall certify the result to the board of directors, the county treasurer, and county superintendent. If a majority of the votes cast are "Bonds—Yes," the board of directors, as soon as practicable, shall issue coupon bonds of the district, not exceeding in par value the amount stated in the notice of election, bearing interest not to exceed eight per centum per annum, payable semi-annually, redeemable at the pleasure of said district after ten years, but due and payable absolutely twenty years from date, but in no case shall the aggregate amount of bonded debt in any school district exceed five per centum of the value of the taxable property of any such district. The principal and interest of such bonds shall be payable at the office of the county treasurer in which the district may be situated, or at such place as may be designated in the city and state of New York, at the option of the purchaser thereof. All such bonds so issued shall be signed by the chairman of the board of directors, attested by the clerk of the district, and countersigned by the county treasurer, and the said coupons attached to said bonds shall be signed by the chairman of said board of directors, and countersigned by the district clerk by original or fac simile signatures. Whenever any school district shall issue bonds under the provisions of this section, all such bonds shall be issued to the county treasurer of the county, and be registered by him in a book kept for that purpose in his office, noting the school district,

FEB. 17, 1887. 21.
FEB. 22, 1893.
Same subject.

FEB. 17, 1887, § 1. amount, date, time, and place of payment, rate of interest, and
FEB. 22, 1893. such other facts as may be deemed proper, and all such bonds shall
Same subject. state on their face that they were issued under the provisions of
this section. The county treasurer shall sell said bonds for the
best price obtainable, and hold the proceeds subject to the order of
the board of directors, but no bonds shall be sold for less than par.
The directors of said district must ascertain and levy annually a
tax sufficient to pay the interest accruing on such bonds as it be-
comes due, and at the expiration of ten years from date of said
bonds, and annually thereafter until full payment of said bonds is
made, they shall levy, in addition to the tax required to pay such
interest, an amount for a sinking fund sufficient to meet the pay-
ment of said bonds at maturity; such amount to be not less than
one tenth of the amount of bonds outstanding and unpaid; and
the fund arising from such levy shall be kept as the bond redemp-
tion fund of said district, and each of said tax levies shall be a lien
upon the taxable property in said district, and must be collected in
the same manner as taxes for other school purposes, and all such
taxes shall be paid to the county treasurer, who shall, with the
moneys so received, pay the said coupons and bonds as they be-
come due. If, after said ten years from the date of any such bonds,
the directors of any school district issuing the same shall fail or
refuse to levy the tax necessary to constitute such sinking fund to
pay the same, it shall be the duty of the county treasurer to ascer-
tain the amount necessary to be levied for such sinking fund to
pay said bonds; and it shall be the duty of the county court or
county board to levy a tax equal to said sum so required and ascer-
tained on the certification thereof by the county treasurer; and the
proper county officer having power to extend county taxes shall
extend the same upon the tax roll of said county upon the taxable
property of said school district only; and the proper county officer
whose duty it is to collect taxes shall collect the same according to
law, and the said collecting officer shall pay said funds so collected
into the county treasury to the credit of the school district issuing
such bonds, to be applied to the payment of said bonds. The
county treasurer must pay out of any moneys belonging to the
school district, excepting the said moneys of said sinking fund,
the interest upon any bond issued under this section by school dis-
tricts, when the same becomes due, and at such places as designated
in such coupons or upon the presentation at his office of the same,
which must show the amount due and the number and series of
the bond to which it belongs; and all coupons so paid must be
immediately reported to the directors of the district. Whenever

any school district in this State shall, under any of the laws of this State have contracted any indebtedness, or issued any bond for the purchase of the building of any schoolhouse, or the furnishing of the same, and the amount of such indebtedness shall not exceed the sum of five per centum of the taxable property of said school district, it shall be lawful for said school district to issue and exchange its bonds for any such indebtedness at a rate of interest not greater than that borne by the original indebtedness par for par and dollar for dollar without any vote of the taxpayers of the district; and said bonds shall in all respects conform to and be governed in all their issuance and execution by the provisions of this section, except as to those provisions requiring a vote of the taxpayer. At any time after the issuance of such bonds, and the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs, or charges arise, the said county treasurer shall present his claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid for under the provisions of law. Whenever the amount of any sinking fund created under the provisions of this section shall equal the amount, principal and interest, of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bond is located, to publish a notice in any newspaper of general circulation published in the county in which such district is situated, and if there be none published in such county, then in a newspaper published nearest to said school district, and also in one published at the State capitol, that the said county treasurer will, within thirty (30) days from the date of such notice, redeem and pay any such bond then redeemable or payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds the said treasurer shall pay the same. In case any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bonds and the interest accrued thereon up to the last day of the time of redemption mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled, and write across the face of such bond the word "Redeemed," with the date of redemption.

FEB. 17, 1897. § 1.
FEB. 22, 1893.
Same subject.



FEB. 17, 1887. §1. and shall deliver the same to the board of directors of such school
FEB. 22, 1893. district, taking the directors' receipt therefor. All bonds heretofore
 Same subject. issued by school districts in this state, in pursuance of the vote of a majority of the legal voters present at a legally called school meeting, are hereby made and declared to be legal and valid. All acts and parts of acts in conflict with this section are hereby repealed.

OCT. 17, 1878. §1. Section 37a. The directors of school districts are hereby allowed
 Power to buy apparatus, books, etc. to purchase from time to time with the common school fund for their districts, such books of reference and apparatus as the interests of the school demand; and the books of reference and apparatus shall be kept at the schoolhouse during each term of school for the use of the pupils and teachers; *provided*, that the yearly expenditures therefor shall not exceed fifty dollars in districts receiving five hundred dollars or over from the common school fund, and ten per centum thereof in districts receiving less than five hundred dollars therefrom.*

PROVISO.

FEB. 21, 1887. §1. Section 37b. The directors of any school district in the State
 Directors may establish kindergartens. which shall contain five hundred inhabitants or more may, when authorized thereto by the qualified electors of such district, provide for the establishment and maintenance therein, as part of the common school system thereof, of schools commonly known as kindergartens.

OCT. 29, 1872. §38 Section 38. When a vacancy shall occur in the board of direc-
 Vacancy in board of directors, how filled. tors, by death, resignation, or otherwise, the remaining member or members thereof shall forthwith authorize the clerk to call a special meeting to fill such vacancy.

Ibid. § 39. Section 39. The directors shall perform such other duties not
 Penalty for directors' neglect of duty. p. 1234 provided for in this act as the wants of their district may from time to time demand; and if they neglect to perform all the duties enjoined upon them by this act they shall forfeit their office and pay a fine of ten dollars into the treasury of the district, subject to the decision of a majority vote of their district.

Ibid. § 40. Section 40. All districts organized in pursuance of this act shall
 District a corporation. p. 1234 be, to all intents and purposes, a body corporate, competent to transact all business coming under their jurisdiction, and sue and be sued. When suit is commenced against any district, notice must be served upon one of the directors.

* NOTE.—This section is almost but not quite the same in terms as part of subdivision 10 of section 1 of the act approved February 17, 1887, and found at page 1231, vol. II., Hill's code. Yet as this section has never been expressly repealed and is now necessarily in direct conflict with the later act, both are inserted in this compilation without further comment as to the validity of either.

Section 41. District meetings legally called shall have power to OCT. 29, 1872, §41
levy a tax upon all real and personal property in their district and District meet-
make any necessary appropriation for the support and benefit of ing may levy
schools; also adjourn from time to time, and to supply all vacan- taxes. p. 1234.
cies in their district offices; *provided*, that a majority of the legal Proviso.
voters present so decide.*

Section 42. Districts shall not be entitled to their proportion of FEB. 21, 1889.
the school funds at the disposal of the county superintendent unless FEB. 20, 1891.
they shall report to him by the first Monday of March of each year,
and shall have had a school taught in their district of one quar-
ter's duration in each year; *provided*, that if the entire school Proviso.
funds received annually by each school district from the apportion-
ment of the five-mill county school tax and the irreducible State
school fund made by the several county superintendents shall not
be exhausted and expended for school purposes only within and
during the year for which such apportionments are made, such
unexpended balance shall be forfeited to the general school fund of
the county, and the clerk of said school district shall report the
amount of said unexpended balance in his first annual report there-
after to the county school superintendent, who shall place said sum
to the credit of the general school fund of the county, and charge
the same to said district as a part of the first succeeding year's
apportionment thereafter; *provided further*, that no part of the Proviso.
five-mill county school tax and the irreducible State school fund
hereinbefore mentioned shall be applied in paying for school sites,
or the building or completion or seating of schoolhouses ready for
occupancy; *provided further*, that a new district shall not be Proviso.
required to have a school taught as aforesaid, for the space of one
year from the date of its organization. When a district has for-
feited its school money, no recourse whatever shall be had to
obtain the same.

Section 43. First—Any citizen of this State shall be entitled to FEB. 25, 1889.
vote at a school meeting who is twenty-one years of age, and has FEB. 20, 1891.
resided in the district thirty days immediately preceding the meet-
ing, and who has property in the district upon which he or she
pays a tax, or have children of school age to educate, but this act
[section] shall not be applicable to districts with a population of
one thousand and upwards.

Second—In all school districts in this State with a population

* NOTE.—If the clerk of a school district fail to attend a meeting of his district and to act as secretary thereof, such meeting has the incidental power to appoint any private person a secretary pro tem. for the purpose of making an entry of the business of such meeting, and such entries made by authority of the voters then present are evidence of the proceedings of the meeting. The State of Oregon ex rel. G. W. Patty v. J. McKee, 20 Or. 120.

FEB. 25, 1889. of one thousand and upwards, any citizen of this State shall be
FEB. 20, 1891. entitled to vote at a school meeting who is twenty-one (21) years of
 Same subject. age, and has resided in the district thirty (30) days immediately
 preceding the meeting, and who has property in the district upon
 which he or she pays a tax.

OCT. 29, 1872. Section 44. Women who are widows and have children to edu-
 Same subject. cate, and taxable property in the district, and who have resided in
 the district thirty days, as aforesaid, shall be entitled to vote.

Ibid. Section 45. Districts cannot levy a tax for any purpose unless
 Notice neces- the notice calling the meeting states this to be the object.
 sary for tax.

p. 1235. Section 46. Schools supported by a tax upon the district shall,
FEB. 21, 1887. in all districts that establish and maintain kindergartens, be free
 School sup- to all persons between the ages of four and twenty-one years resid-
 ported by tax ing therein, and in all other districts to all persons between the
 to be free. ages of six and twenty-one years residing therein; and other per-
p. 1235. sons from outside may be admitted on such terms as the district
 may direct.*

OCT. 29, 1872. Section 47. The minutes of all school meetings must be signed
 Minutes to be by the chairman and secretary.
 signed. p. 1235.

Ibid. § 48. Section 48. If any board of directors shall draw a warrant on
 Penalty for the school fund for the wages of any teacher who has not obtained
 paying teach- a certificate as required by this act, and laid the same before the
 ers without directors for their inspection, such district shall forfeit its propor-
 certificate. tion of the school fund for the year.

Ibid. § 49. Section 49. When a vote is being taken in district meetings
 Ayes and noes. the ayes and noes shall be called if demanded by two or more
p. 1236. voters of the meeting.

Ibid. § 50. Section 50. That all school districts formed by the superin-
 District to be tendent of common schools shall be formed of contiguous territory.

District to be formed of con-
 tiguous terri-
 tory. p. 1236. Section 51. Where the public good requires it, a school district
Ibid. § 51. may be formed of adjacent territory, lying in two or more counties;
 District may and it shall be the duty of the clerk of such district to report
 be in two or annually to each superintendent having jurisdiction; and said
 more counties. clerks shall include in such report the number of scholars residing
 in each county. Said clerk shall be entitled to draw, for the
 benefit of his district, that portion of the public school fund due
 said district from each county.

* NOTE.—Children between the ages of six and twenty-one years, though of Chinese parent-
 age, are entitled to admission in the public schools of the district in which they reside. In a pro-
 ceeding by mandamus to compel a teacher to admit a child to a class in the public schools, the
 superintendent of schools and the board of education are not proper parties.

A board of education has power to make and enforce all rules and regulations not contrary to
 law; and teachers cannot justify a violation of law on the ground that a resolution of the board
 of education required them to do so. *Tape v. Hurley*, 6 Pac. Rep. 129.

Section 52. A certificate received from the superintendent of either county in which such district may be situated shall be sufficient to enable such teacher in such district to draw pay out of the common school fund.

OCT. 29, 1872. § 52
Certificate necessary in such cases. p. 1236.

Section 53. Each school district shall elect, at the annual meetings, a district clerk, who shall hold his office for one year, or until his successor is chosen and qualified as required in this chapter.

Ibid. § 53.
Election of school clerks. p. 1236.

Section 54. It shall be the duty of the district clerk —*

FEB. 17, 1887. § 1.

First—To record all proceedings in a book to be provided for the purpose.

Duties of district clerks. p. 1236.

Second—To give notice, as required in this act, of annual and special meetings.

Third—Whenever any tax is levied by the district, he shall make an assessment roll of all the taxable property within his district, and deliver the same to the directors; *provided*, that one year shall intervene between any two assessments, and that the district clerk in making said assessment roll shall follow the county assessment made in the same year as far as the same shall be applicable in fixing the valuation of all property within the district unless the board of directors shall otherwise order; *provided further*, that in case there is more than one tax levied within one year the clerk shall not be required to make more than one assessment roll within that year.

Proviso.

Proviso.

Fourth—When he receives the audited assessment roll and warrant from the directors, to collect all the taxes for which the roll calls by the time and in the manner authorized by the warrant.

Fifth—Each district clerk shall enroll annually for school purposes all persons in his district over four and under twenty years of age. This annual census shall contain the names and ages of all children of the school ages mentioned above, and shall also contain the names of all parents and guardians resident in the district; *provided*, that this annual enumeration shall include all youth between the ages of four and twenty years who, at the time of taking such enumeration, actually dwell or have their home in the district, whether such youth constitute a part of the family of their parents or guardians, or are in good faith and for a continuance of time hired to labor or service in a family actually residing in such district. If, however, a youth is staying temporarily in a

Proviso.

* NOTE.—If the clerk of a school district fails or neglects to be present at a meeting of his district, or to act as secretary thereof, the meeting has power to appoint a secretary pro tem., and the announcement by the chairman that W. was appointed, who accepts the position and acts with the consent of the meeting, is to be regarded as the corporate act of the meeting. The State of Oregon ex rel. G. M. Patty v. J. McKee, 20 Or. 120.

- FEB. 17, 1887. §1. district as a boarder or a visitor, or is a member of a family temporarily in the district and whose actual residence is in another district, such youth cannot be legally enumerated; but the temporary residence of a family in a district, if such family at the time have no other residence, shall not exclude the children actually living in and belonging to such family from the enumeration; *provided*, that a youth shall be legally enumerated in but one district, and that is the district in which he actually resides; *provided further*, that this annual census must include all children (whose parents or guardians are residents of the district) that are absent attending institutions of learning; and *provided further*, that the clerk must not include in the annual census children who are attending benevolent institutions, as deaf and dumb, blind and orphan asylums, in his district, but whose parents or guardians do not reside therein. The district clerk shall visit each habitation, home, residence, domicile, or place of abode in his district, and by actual observation and interrogation enumerate the census children of the same; *provided further*, that the annual census report of the district clerk shall be submitted to the directors and citizens of the district at the regular annual meeting of the district held on the first Monday of March, and all corrections necessary shall then be made, and the clerk shall then immediately file this original report in his office, the same to be and remain as a part of the permanent records of his office. The clerk shall immediately forward a certified copy of his annual report to the county superintendent, who shall file the same in his office; *provided*, that this annual report of the district clerk shall be forwarded to and filed with the county superintendent not later than the fifteenth day of March in each year; *provided*, that his annual report and certified copy thereof shall be made under oath upon blanks for the same furnished by the State board of education. The annual report of the district clerk shall be submitted to the county superintendent as nearly as may be in the following form, to wit:—
- Proviso.
- Proviso.
- Proviso.
- Proviso.
- Proviso.
- Proviso.

ANNUAL REPORT OF SCHOOL DISTRICT NO. ...

Number of legal voters.....		Number of scholars in average attendance.....	
Number of persons over 4 and under 20 years of age.....		Amount paid teachers from district tax.....	
Number of male scholars.....		Amount paid teachers from rate bills and subscription.....	
Number of female scholars.....		Amount received and paid teachers out of county funds.....	
Number of quarters of school taught.....		Amount received and paid teachers out of State funds.....	
Kinds of books used.....			

SCHOOL LAWS OF OREGON.

39

ANNUAL REPORT OF SCHOOL DISTRICT NO. ---—CONCLUDED.

Amount of incidental expenses	Value of schoolhouses.....	FEB. 17, 1887. §1.
Total amount of tax levied and collected.....	Value of other school property.....	Same subject.

Names of teachers employed.....

Names of pupils.....

Names of parents or guardians.....

A..... B.....
District Clerk.

Sixth—The bond of the clerk of each school district shall be equal in amount to not less than double the probable amount of all school moneys that shall come into his hands as clerk of such district. The bond of the district clerk shall be presented to and accepted by the board of directors of his district within ten days from the date of his election or appointment as such district clerk, and which bond shall be filed with the county superintendent within thirty days from the date of the election of the district clerk.

Seventh—Authority shall in no case be granted to any board of school directors to release a school clerk from his liability for any portion of the school funds belonging to the district. The books and accounts of the district clerk shall be subject to the inspection of the directors at any and all times; and the directors shall, at the annual meeting of the school district, make a thorough examination of the books and accounts of the district clerk.

Eighth—Every clerk of the school district who is his own successor shall give a new bond for the term for which he is re-elected, within the time hereinbefore named for the presentation of his bond, to the directors; and his former bondsmen shall not be liable for defaults committed within the term for which he is re-elected. In case any district clerk shall fail to give a bond within the time heretofore mentioned for the presentation and acceptance of such bond, the office of clerk shall be declared vacant by the board of directors; *provided, however,* that in the event any Proviso. board of directors shall accept the bond of the district clerk after thirty days have elapsed from the date of the election or appointment of such clerk, then such bond, so accepted, shall be valid.

Ninth—Clerks of all school districts in the State shall use a uniform series of State blanks, blank reports, registers, warrant

FEB. 17, 1887. §1. books, etc., whenever the same shall be provided by authority of
Same subject. the State.

Tenth—The clerk of each school district shall refuse to pay an order for the last month of the teacher's wages until the teacher's register has been examined, approved, and filed in his office.

Eleventh—It shall be the duty of the district clerk to keep a correct account, in a book provided for the purpose, of all moneys coming into his hands, and of all paid out belonging to his district; and he shall make a report of the same to the annual meeting, and when called upon by the directors to do so shall report at special meetings.

Twelfth—When he receives the superintendent's order for the money set apart for his district out of the county school fund, he shall immediately call upon the treasurer, either in person or otherwise, present his order, get the money, and receipt for the same; and it is hereby made the duty of the county treasurer to report at once to the county superintendent whenever school moneys are received by him.

Thirteenth—He shall turn over all district money, books, and papers to a duly qualified successor.

Fourteenth—He shall immediately, after the annual school meeting, send to the county school superintendent a list of the officers of the district, which list shall give the length of the term of office of each director, and the postoffice address of each director and the clerk of his district.

FEB. 25, 1889. §1. Section 54a. It shall be the duty of the county clerk of each
Same subject. and every county in the State of Oregon to provide the district school clerks in his county with assessment blanks, similar to those

Proviso. furnished to county assessors; *provided*, that only so many pages shall be furnished to each district school clerk as may be necessary, taking into account the amount of taxable property in his district.

Ibid. Section 55. The clerk of each school district containing 4,000
Clerks' fees. or more inhabitants shall receive for his services of the money collected by him of school taxes as follows: For the first twenty thousand dollars or any less sum, five per centum thereof; for the next twenty thousand dollars or any part thereof, two per centum thereof; for all sums above forty thousand dollars, one per centum thereof. The clerks of all other school districts shall receive for their services of the money collected by them of district taxes levied in their respective districts, five per centum thereof; and the directors of any district may pay their clerks such additional compensation as is in their judgment necessary.

Section 56. The clerk shall, if he fails to perform all the duties required of him by this act, forfeit the percentage allowed him, and suffer the enforcement of his bond. OCT. 29, 1872. §56
Clerks' neglect
of duty, penalty
of. p. 1241.

Section 57. The clerk shall act as secretary of all meetings, and shall at the end of each quarter (when authorized by the directors) make out the rate bills for tuition then due, and collect the same without delay. OCT. 24, 1882. § 2.
Clerks to be
secretary of
meetings, etc.
p. 1241.

Section 58. In case the office of clerk shall become vacant in any district, by death, resignation or otherwise, it shall be the duty of the directors to appoint, from among the qualified voters of the district, some person to fill such vacancy until his successor is duly elected and qualified. OCT. 29, 1872. §58
Vacancy in
office of clerk.
p. 1242.

TITLE V.

SCHOOL TEACHERS.

Section 59. A teacher's duty while in charge of a school shall be as follows:— FEB. 25, 1885. §1.
Teachers,
duties of.
p. 1247.

First—To maintain order in school and conduct himself in such a manner before his school as to command respect from his pupils.

Second—To commence school at 9 o'clock A. M., and to close at 4 o'clock P. M. of each day, giving one hour for recreation at noon; *provided*, that the directors may order a less number of hours. Proviso.

Third—To labor during school hours to advance the pupils in their studies; to create in their minds a desire for knowledge, principle, morality, politeness, cleanliness, and the preservation of physical health; and it is hereby made the duty of every teacher to give, and of every board of school directors to cause to be given, to all pupils suitable instruction in physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system.

Fourth—To keep a register, showing the name, age, sex, and daily attendance of all persons attending his school, and hand the district clerk a copy of the same at the close of each quarter.

Section 60. Teachers may, in case the county superintendent does them an injustice on examination, apply to the Superintendent of Public Instruction, who is hereby authorized to issue certificates to such teachers of the same force and granting them the same rights and privileges as those issued by the county superintendent. OCT. 29, 1872. §60
Teacher may
appeal. p. 1247.

Section 61. Sixty days or twelve school weeks shall constitute a quarter of a school year. Ibid. § 61.
School term,
length of.
p. 1248.

TITLE VII.

TREE PLANTING.

FEB. 25, 1889. §1. Section 62. The second Friday in the afternoon in April of each
Arbor day. year shall hereafter be known throughout this State as Arbor Day.

Ibid. § 2. Section 63. In order that the children in our public schools
Order of exer- shall assist in the work of adorning the school grounds with trees,
cises. and to stimulate the minds of children towards the benefits of the preservation and perpetuation of our forests and the growing of timber, it shall be the duty of the authorities in every public school district in this State to assemble the pupils in their charge on the above day in the school building or elsewhere, as they may deem proper, and to provide for and conduct, under the general supervision of city superintendents, county superintendents, teachers, and directors, or other school authorities having the general charge and oversight of the public schools in each city or district, to have and hold such exercises as shall tend to encourage the planting, protection, and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Ibid. § 3. Section 64. The Superintendent of Public Instruction shall
Superintend'nt from year to year, under and by direction of the State board of
of public in- education, have power to prescribe from time to time a course of
struction to exercises and instructions in the subjects hereinbefore mentioned,
prescribe pro- which shall be adopted and observed by the said public school
gramme. authorities on Arbor Day.

TITLE VIII.

COMPULSORY EDUCATION.

Ibid. § 1. Section 65. Every parent, guardian, or other person in this
Parents must State having control or charge of a child or children between the
send children ages of eight and fourteen years shall be required to send such
to school, etc. child or children to a public school for a period of at least twelve weeks in every school year, of which at least eight weeks' school [shall] be consecutive, unless the bodily or mental condition of such child or children has been such as to prevent his or her or their attendance at school or application to study for the period required, or unless such child or children are taught in a private school or at home in such branches as are usually taught in primary schools or have already acquired the ordinary branches of learning taught in the public schools; *provided*, in case a public school shall not be taught for the period of twelve weeks, or any

part thereof, during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he or she shall not be liable to the provisions of this act. FEB. 25, 1889. § 1. Same subject.

Section 66. Any parent, guardian, or other person having control or charge of any child or children failing to comply with the provisions of this act shall be liable to a fine of not less than five dollars nor more than twenty-five dollars for the first offense, nor less than twenty-five dollars nor more than fifty dollars for the second and each subsequent offense, besides the cost of the prosecution. Ibid. § 2. Penalty.

Section 67. It shall be the duty of the directors and clerk of each school district to make diligent effort to see that this law is enforced in their respective districts. Ibid. § 3. Directors and clerk to enforce this law.

Section 68. Justices of the peace shall have concurrent jurisdiction with the circuit court in all prosecutions under this act. Ibid. § 4. What courts to have jurisdiction.

TITLE IX.

ESTABLISHING SCHOOL DISTRICTS IN TOWNS OF TEN THOUSAND INHABITANTS.

Section 69. Whenever the population of any city or incorporated town shall exceed four thousand inhabitants, as shown by any census of the State or of the United States, all school districts or parts of school districts within the limits of said city shall constitute one school district, and the boundaries and limits of such school district shall conform to the limits and boundaries and shall be the same as the limits and boundaries of said incorporated city or town; *provided*, that in all cases when any part of any school district shall be included in any such incorporated city or town, and a part thereof shall not be included within the boundaries of said city or town at the time this act shall take effect, such parts of such school districts as lie without the boundaries of such city or town shall continue to be a part of such school districts. OCT. 26, 1882. § 1. FEB. 20, 1893. Boundaries of districts to correspond in certain cases. p. 1242. Proviso.

Section 70. When the limits or boundaries of any incorporated city or town containing four thousand inhabitants or more, which has been by this act constituted a school district, are changed according to law, then the boundaries and limits of the school districts therein shall be deemed to have been changed also so as to conform to the new limits and boundaries of such incorporated city or town. Ibid. § 2. Change in limits of city and district to correspond. p. 1242.

Section 71. In all such districts as are created by this act, the board of directors shall consist of five members, each of whom Ibid. § 3. Board of directors, term of.

OCT. 26, 1882. § 3.
FEB. 20, 1893.
Same subject.
FEB. 20, 1891. shall hold office for a term of five years, one member retiring each year, as hereinafter provided.

Section 72. The election for members of the board of directors in all such districts shall be held each year at the times and in the manner now provided by law for districts containing five hundred legal voters.

Ibid. Section 73. The school clerk in such districts shall be deemed an officer of the boards of directors, which boards shall have authority to elect him, prescribe his duties, fix his compensation, and determine the manner of its payment, and to fix the amount of his bond.

OCT. 26, 1882. § 6.
Vacancies, how
filled. p. 1243. Section 74. After the first election of members of the board of directors under this act, but one shall be elected each year, and all vacancies in the board shall be filled as now provided by law.

Ibid. § 7.
Duties of
board. p. 1243. Section 75. The duties of the board shall be,—

First—To employ a city superintendent of schools of the district, and fix his term of office and compensation.

Second—To employ teachers, janitors, carpenters, etc., and fix their compensation.

Third—To prescribe courses of study and make rules and regulations for the government of said district.

Fourth—When in their judgment more systematic grading of their school requires it, to choose textbooks in addition to those already authorized by the State; *provided*, that such choice shall be made at the same time as that now prescribed by law for the choice of textbooks for the State, and the result of their choice shall be regularly reported to the State board of education, to be by them filed as in the case of votes by county school superintendents.

Fifth—To create a board of examiners for the purpose of examining all persons who may be employed to teach in said schools; and the county school superintendent of the county in which such district may be located shall be the *ex officio* chairman, and the city superintendent shall also be a member; *provided*, that certificates issued by such board of examiners shall not be valid in any other district than that for which such certificates are issued; *provided further*, that the holder of a valid certificate may be employed without further examination at the option of the board.

Sixth—To lease and build schoolhouses, to buy and lease lands for school purposes, and to furnish their schoolhouses with proper furniture, libraries, light, fuel, apparatus, etc., and to sell and convey such lands and other property belonging to the district as may not, in their judgment, be required for school purposes.

Seventh—To provide for polling places in each ward in such city for all school elections, to appoint judges and clerks, and to canvass all votes and pollbooks and determine the result thereof. Oct. 26, 1882. § 7. Same subject.

Eighth—To make an annual printed report to the taxpayers of said district.

Ninth—To determine who are non-resident pupils, and fix the rates of tuition for such non-resident pupils.

Section 76. The board of directors in such districts must provide for the time and place of its regular meeting, at any of which it may adjourn to the next succeeding regular meeting, or to some specified time prior thereto, and it may be convened upon written or printed notices issued by the school clerk by order of the chairman, or upon the united request of three members of the board. Ibid. § 8. Directors to provide time and place of meeting. p. 1244.

Section 77. A majority of the board of directors shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the presence of absent members. Ibid. § 9. Quorum. p. 1244.

Section 78. The board of directors of such district may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal, and on the call of any one of its members must call the yeas and nays, to be taken and entered upon its journal upon any question before it. Ibid. § 10. Board may adopt rules. p. 1244.

Section 79. On or before the tenth day next following any regular or special election for school officers, there must be a regular meeting of the board, at which time the newly-elected officer or officers shall enter on their duties. Ibid. § 11. When newly elected officers to enter on duties. p. 1244.

Section 80. The directors of the largest and most populous district within said corporate limits shall, with such others as are elected in pursuance of this act, be the board for such new district organization, and all the property, real or otherwise, belonging to districts or parts of districts within said corporate limits, shall become the property of such new district, and be subject thereafter to the control of the board of directors of such largest and most populous district; but the new board may provide, for a period not exceeding three years from the date of such consolidation, for the free tuition of all pupils living within the boundaries of such parts of such consolidated districts which are beyond the said limits, unless such parts are sooner erected into a new district or are attached to other districts. FEB. 21, 1891. § 12. Directors of largest district to be directors of new under this act.

Section 81. Any person, male or female, who is a qualified voter at school elections, shall be eligible to the office of school director in such districts. Ibid. § 13. Persons eligible for directors. p. 1245.

Section 82. At such general or special elections in such districts the only officers voted for shall be that of directors and clerk. Ibid. § 14. Officers voted for at election p. 1245.

FEB. 21, 1891. §12

Directors may
contract
indebtedness.
p. 1245.

Section 83. The board of directors of such district are authorized to contract an indebtedness for the district for school purposes, but such indebtedness at no time shall exceed in the aggregate more than one hundred thousand dollars.

Ibid. § 16.

Warrants not
to draw interest.
p. 1245.

Section 84. No warrants drawn on the school fund in such district shall draw interest before or after presentation to the school clerk.

Ibid. § 17.

Board to advertise for and
receive bids for
fuel, apparatus,
etc. p. 1245.

Section 85. In all such districts, when in the opinion of the board the cost of any lot of furniture, stationery, apparatus, fuel, buildings, or improvements, or repairs to the same will equal or exceed the sum of \$500, it shall be the duty of said board to give due notice by publication in at least one daily newspaper published within the said corporate limits of their intention to receive bids for such lot of furniture, stationery, etc., and they shall determine the specifications for such bids and appoint the time and place for opening of all bids, which shall be public. And it shall be unlawful for any member of the school board to bid or to be an interested party in any bid before such board.

Ibid. § 18.

Board controls
course of study
p. 1246.

Section 86. The course of study shall be under the entire control of the board of directors.

OCT. 26, 1882. §19

Assessment
and collection
of taxes. p. 1246

Section 87. The mode and manner and the times for assessing and collecting the taxes in such districts shall be the same as that now provided for by law.

Ibid. § 20.

Clerks to make
segregated reports
in certain
cases. p. 1246.

Section 88. It is hereby made the duty of all school clerks whose districts lie partly within and partly without any incorporated town containing ten thousand inhabitants, to make to the county school superintendent of the county containing such incorporated city or town a segregated report at the time now provided for by law, showing the number of persons of school age in their respective districts living within, and also the number of persons of school age living without such incorporated city or town.

Ibid. § 21.

Directors of
oldest district
to designate
polling place.
p. 1246.

Section 89. It shall be the duty of the school directors of the oldest organized district affected by this act to designate the polling places, name the judges and clerks to serve at the first election under this act, and the board of such oldest district shall also canvass and declare the results of such election.

Ibid. § 22.

General laws
to apply to
officials.
p. 1246.

Section 90. All acts and parts of acts now in force concerning the duties and powers of school directors and school clerks which do not conflict with the express provisions of this act shall be considered to apply to the officers of such districts as are established by this act.

TITLE X.

OF NORMAL SCHOOLS.

[N. B.—The normal school at Ashland, in Jackson county, was established by the act of the legislative assembly approved October 26, 1882, this act being the first law passed in this State on the subject of normal schools. The normal school at Drain, in Douglas county, was established by the act approved February 6, 1885, and the normal school at The Dalles, in Wasco county, was established by the act approved February 25, 1889. As these acts are all identical in their provisions, except as to the name of the school in each act, it is deemed sufficient for the purposes of this compilation to consolidate them all in one title as one law for the sake of conciseness.]

Section 91. The Ashland college and normal school at Ashland, Jackson county, Oregon; the Oregon normal school at Drain, in Douglas county, Oregon, and the normal school of the Wasco Independent academy, at The Dalles, Oregon, are hereby declared to be State normal schools of the State of Oregon.

Section 92. The control of said normal schools shall remain vested in the board of trustees which now have control of the above-named institutions.

Ibid.

Who to control.
p. 1262.

Section 93. The course of study to be pursued in the said State normal schools shall be prescribed by the joint action of the State board of education with the president of the said normal schools; and persons who complete the required course of study and pass such examination thereon as may be approved by the State board of education shall be entitled to receive a State diploma, as is now authorized by law, and after six years of successful teaching in the State of Oregon shall be entitled to the State life diploma, as now provided by law; *provided*, such persons shall not receive State diplomas as aforesaid unless they are over twenty-one years of age, or, if females, eighteen years of age, and have attended one of the aforesaid normal schools for a period of not less than one year, and have paid the required fee for said diploma.

Ibid.

Course of
study, diplo-
mas, etc.
p. 1262.

Proviso.

Section 94. The rules and regulations for the discipline in said normal schools shall be prescribed by the faculty of each school respectively, subject to the approval of the State board of education.

Ibid.

Rules pre-
scribed by the
faculty. p. 1263.

Section 95. The board of trustees may extend the course of study so as to include the branches of a college course and confer degrees in the same; but no such work shall be allowed to conflict with the proper work of the normal school.

Ibid.

Course of study
may be ex-
tended. p. 1263.

Oct. 26, 1882. Section 96. Model training schools for professional practice in
 Model training schools to be maintained. teaching shall be maintained in those normal schools, and all
 p. 1263. normal students may have the privilege of training in the same.

TITLE XII.

INSTITUTE FOR THE BLIND.

Oct. 21, 1876. § 2. Section 97. The State board of education are hereby constituted
 Board of trustees, duties of. the board of trustees of said institute, and it shall be their duty as
 p. 1267. such trustees to take charge of the funds of the institute; to provide for the proper care of the pupils; to appoint all officers and teachers, and define the duties of the same; to fix and regulate the salaries of all persons employed by them, and to make a full statement of the expenses, management, and condition of the institute at each regular session of the legislative assembly.

Ibid. § 3. Section 98. All blind persons who are residents of the State, of
 Who entitled to free education. p. 1267. sound mind and in good health, shall be entitled to free education at the institute for a period of not more than two years, and the board shall further have authority to allow pupils, for special reasons, to remain for a longer period than two years. Blind persons not residents of this State, who are of sound mind and in good health, may be received as pupils on the payment of two hundred and fifty dollars, gold coin, annually, in advance.

Non-residents may be received, when.

TITLE XIII.

OF STATE LANDS.

AN ACT for the Selection and Sale of State Lands Remaining Unsold.

Be it enacted by the Legislative Assembly of the State of Oregon:

FEB. 21, 1887. Section 1. The Governor, Secretary of State, and State Treasurer,
 Commissioners directed to sell state lands. p. 1570. as a board of commissioners for the sale of school and university lands and for the investment of the funds arising therefrom, are hereby authorized and required to sell the remaining unsold school, university, and capitol building lands, also lands granted to the State by the United States adjoining salt springs, and lands granted to the State for the purposes of internal improvements which have been or may hereafter be selected, at the uniform price of one dollar and twenty-five cents per acre, and the agricultural college lands at two dollars and fifty cents per acre in quantities not exceeding three hundred and twenty acres, to any one person.

Section 2. When any person desires to purchase any of the lands of this State mentioned in section 1 of this act, he shall file an application therefor with the said board of commissioner[s], which application shall contain a precise description of the land applied for, according to the United States survey thereof, and be accompanied by the affidavit of the applicant taken before some notary public or county clerk, to the effect that he is over 18 years of age, and is a citizen of the United States, or has declared his intention to become such, and a resident of this State; that he has not directly or indirectly made any previous purchase of land from this State, or any for him which, together with the land described in the application, exceeds three hundred and twenty acres; that the proposed purchase is for his own benefit and not for the purpose of speculation; that he has made no contract or agreement, expressed or implied, for the sale or disposition of the land applied for in case he is permitted to purchase the same, and that there is no valid adverse claim thereto by any actual settler.

FEB. 21, 1887.
Form of appli-
cation. p. 1571.

Section 3. When any such application is filed for the purchase of land, to be selected in lieu of the sixteenth or thirty-sixth sections, or to compensate for deficiency of school land in fractional townships, the said application shall state the sixteenth or thirty-sixth sections of fractional township, in lieu of which the land is to be taken, and the land commissioner shall thereupon select the said land in the proper land office in the manner prescribed by the laws of the United States, and when said selection shall be accepted by the register of said land office, the clerk of the board of land commissioners shall notify the said applicant to pay the purchase price of said land within sixty days from the date of such notice, in the manner and on the terms now provided by law, and if said applicant shall fail to make such payment as aforesaid the land shall be subject to the claim of the next legal applicant.

Ibid.
Selection of
lieu lands.
p. 1571.

Section 4. This act shall take effect from and after its passage, but nothing herein contained shall be construed to reduce the price of any State land heretofore sold by the board of land commissioners, which shall revert to the State by reason of the non-payment of the balance of the purchase money or interest thereon.

Ibid.
Price of re-
verted lands.
p. 1572.

[Section 21, page 50, Laws of 1878.]

Section 21. Ten per centum of all moneys hereafter received from the sale of swamp, overflowed, and tide lands which have been granted to the State of Oregon by the congress of the United

Irreducible
school fund.
p. 1269.

Same subject. States shall be appropriated to and become a part of the irreducible common school fund of the State of Oregon, the interest of which shall be annually divided among the several school districts of said State, according to the laws made and provided in the statutes of said State.

[Section 28, page 52, Laws of 1878.]

Security in
management
of fund. p. 1272

Section 28. The board may, in their discretion, demand the services of any county officer in any business relating to the State lands and funds loaned in his county, and the county treasurer shall, if so required, receive, receipt for, and safely keep separate any school, university, or agricultural college funds, or notes and securities for such funds, subject to the order of the board, and, if so required, act as the general agent of the board in his county. The board shall, before entrusting any of the money or securities belonging to any of the funds of this State under the control or charge of any person or officer, require such person or officer to give an undertaking to the State of Oregon in such sum as they may deem necessary, not less than five thousand dollars, conditioned that he will receive, safely keep, and pay over, as directed by the board, all moneys and securities that shall come into his hands as agent of such board.

[Section 29, page 53, Laws of 1878.]

Agents of
board. p. 1272.

Section 29. School superintendents, on being furnished by the board with a list of the moneys due in their counties to any of the educational funds of the State, shall be diligent in requiring payment thereof to the board or their agent, as the board may direct. County treasurers and other agents of the board shall receive one half of one per cent for receiving and keeping and one half of one per cent for disbursing all moneys received by them as agents of the board.

AN ACT to amend an Act entitled "An Act Declaring what shall Constitute the Irreducible School Fund of this State, and to Provide for its Investments," approved February 21, 1887, and to Repeal Section 2722 of Hill's Annotated Laws of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

FEB. 21, 1891.

Section 1. That section 1 of an act entitled "An act declaring what shall constitute the irreducible school fund of this State, and to provide for its investments," approved February 21, 1887, be amended so as to read as follows:

Sec. 1. The irreducible school fund of this State shall be composed of the proceeds of the sales of the sixteenth and thirty-sixth sections of every township in this State, or of any lands selected in lieu thereof; all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devises, and bequests, made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purpose of such grant shall not be stated; all the proceeds of the five hundred thousand acres of land to which this State is entitled by the provisions of an act of congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preëemption rights," approved September 4, 1841; and all the proceeds as aforesaid shall be set apart as a separate and irreducible fund, to be called the common school fund, the interest of which shall be exclusively applied to the support and maintenance of common schools in each school district in this State, and the purchase of suitable libraries and apparatus therefor; *provided, however,* that all lawful claims for the repayment of moneys out of escheated estates and for attorney's fees and other expenses in any suit or proceeding relating to escheated estates shall be audited and approved by the board of commissioners for the management of said school fund, and shall be paid out of such fund.

Section 2. That section 2 of the above-entitled act, approved February 21, 1887, be amended so as to read as follows:

Sec. 2. It shall be the duty of the Governor, the Secretary of State, and the State Treasurer, as a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, to lend the said fund, in the manner now provided by law, at a no less rate of interest than 7 per cent per annum. The board shall, on the first day of August of each year, and oftener if deemed advisable, distribute the interest on hand arising from the irreducible school fund among the several counties of this State in proportion to the number of children resident therein between the ages of four and twenty years; and said board is hereby empowered and authorized to make such rules and regulations in relation to such distribution as they may deem necessary to secure a just distribution of such interest. The amount apportioned to each county shall be placed in the custody of the county treasurer, who shall report the same to the county superintendent of common schools for distribution among the several school districts of his county.

FEB. 21, 1891.

FEB. 21, 1891.

Section 3. That section 2722 of Hill's annotated laws of Oregon be and the same is hereby repealed.

Section 4. Outstanding warrants drawn against the escheat fund shall be paid on demand out of the irreducible or common school fund. There being urgent necessity therefor, this act shall take effect and be in force immediately upon its approval by the Governor.

Section 5. All warrants drawn on the State Treasurer by the Secretary of State by order of court, as authorized in section 3141 of title I. of chapter XXV. of Hill's code, shall be made payable out of the common school fund principal.

AN ACT to Encourage More Thorough Preparation of Teachers for Public School Work in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

FEB. 20, 1891.

That all persons who shall complete a required course of study and receive a literary degree therefor in any institution of learning of collegiate or university grade, chartered or incorporated under the laws of this State, and shall have passed such examination thereon as may be designated and approved by the State board of education, shall be entitled to receive a State diploma, as is now authorized by law, and after six years of successful teaching in the State of Oregon, shall be entitled to the State life diploma, as now provided by law, when they shall have paid the required fees for said diplomas.

AN ACT to Increase the Efficiency of Special Schools for the Education of Defective and Afflicted Children in the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon:

FEB. 21, 1891.

Section 1. It shall be the duty of the clerks of all school districts in the State of Oregon to report to the school superintendents of their respective counties the names of all deaf, mute, or blind youth residing within their districts who are between the ages of six and fourteen years.

Section 2. It shall be the duty of each county school superintendent to make a full and specific report of such youth to the county commissioners of his county at the first regular meeting of said commissioners held after the first Monday of April in each year. He shall also, at the same time, transmit a duplicate copy of said report to the superintendent of the school for deaf-mutes, and to the superintendent of the school for the blind at Salem, Oregon.

Section 3. Immediately on the receipt of said duplicate reports, FEB. 21, 1891. it shall be the duty of the superintendents of said schools for the deaf or the blind, as the case may be, to furnish each and every parent or guardian of any deaf-mute or blind person of school age with all necessary information and blanks necessary to secure admission to said institution.

Section 4. If it appear to the satisfaction of the county commissioners that the parents of any such deaf or blind youth within their county are unable to bear the traveling expenses of sending him or her to said State school, or to furnish necessary clothing, it shall then be the duty of such commissioners to furnish the clothing and send him or her to such school at the expense of the county, the parent or guardian of such child consenting thereto.

AN ACT for the Appointment of Regents for the State Normal School at Monmouth, and to Prescribe their Duties.

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. The general government, superintendence, and direction of the normal school of the State of Oregon, at Monmouth, is hereby vested in a board of regents, to be known as "The board of regents of the normal school of the State of Oregon," which board shall be composed of twelve persons, and of which the State board of education shall be *ex officio* members. The other nine members of the board shall be appointed by the Governor, by and with the advice and consent of the senate. Such appointed members shall hold office as follows: Three of them shall go out of office at the end of the second year, three of them at the end of the fourth year, and the remaining three at the end of the sixth year from the time of the first appointment, the names of those to leave office to be determined by the Governor at the time of their appointment. Thereafter every person appointed shall serve for the full period of six years, or until their successors are appointed and qualified. All vacancies occurring in said board by death, resignation, or otherwise during the recess of the senate shall be filled by appointment by the Governor until the next meeting of the legislature, or until their successors are appointed and qualified. FEB. 21, 1893.

Section 2. The board of regents shall elect one of their number president, whose duty it shall be to preside at all meetings of the board, to call special meetings of the same upon the written request of three members thereof, and to perform such other duties as may be provided for by law or prescribed by the board. If the president shall be absent from any meeting of the board, the members present,

FEB. 21, 1891. if a quorum, may elect one of their number president pro tem., who shall thereupon perform the duties of president during said meeting.

Section 3. The board of regents shall elect a secretary and treasurer for the normal school, who shall keep their offices in Monmouth, and who shall serve for a period of two years, or until their successors shall be duly elected and qualified. They shall respectively perform such duties as the board may direct. They shall each give a bond to the board for the faithful performance of their duties in such amount and with such sureties as the board may direct, to be approved by the board.

Section 4. The board of regents shall receive from the State normal school association a deed to the premises now used and occupied by the State normal school at Monmouth, which deed they shall have duly recorded; and they shall hold said premises in trust for the State of Oregon for normal school purposes.

Section 5. The board of regents shall meet annually at Monmouth on the last Tuesday of each school year, which meeting shall be known and styled as the regular or annual meeting of the board. This meeting may adjourn from day to day when in the judgment of the regents such adjournment is necessary to promote the discharge of their duties and the interests of the school; but no special meeting of the board shall be called by the president except upon a written notice to each member of the board of the time and place of such meeting; said notice to be served by the president delivering the same personally to each member, or by mailing the same to the postoffice address of such member not less than ten days before the time appointed for such meeting.

Section 6. The general powers and duties of the board of regents shall be,—

First—To receive by gift, bequest, appropriation, or otherwise, real or personal estate, money or other property, for and in behalf of the State normal school.

Second—To control and provide for, subject to the conditions herein named, the custody and occupation of the State normal school grounds and buildings, and the books, papers, and documents belonging thereto.

Third—To appropriate, use, or expend moneys belonging to or appropriated for the use and benefit of said State normal school, in such manner as will in their judgment best subserve the interests of said school, and to manage, control, and apply all property, of whatever nature, which belongs to or may hereafter be earned by, given to, or appropriated for the use, support, or benefit of the

State normal school according to the terms of such gift or appropriation. FEB. 21, 1891.

Fourth—To appoint and employ a president and a vice-president of the State normal school, and the requisite number of professors, teachers, and employes, and to prescribe their duties, compensation, and tenure of office or employment.

Fifth—To demand and receive all moneys appropriated for carrying out the provisions of this act, and all sums due and accruing to said normal school for admission and tuition therein, and apply the same, or as much thereof as may be necessary, to pay the compensation aforesaid, and the other current expenses of the school.

Sixth—To prescribe a fee for admission into said school, to be applied to the payment of incidental expenses, and the rate of tuition therein.

Seventh—To have, in connection with the president of the school, the general supervision of the course of instruction therein, and to enact rules and bylaws for the government thereof, including the faculty, teachers, students, and employes therein.

Eighth—To confer diplomas on such persons as the faculty may recommend for graduation, and who shall have passed before the State board of [education], or some person or persons appointed by said board to conduct such examination in Monmouth, a satisfactory examination on all the branches of the prescribed course of study and the methods of teaching them; *provided*, that persons shall have attended the State normal school not less than one year, and have had a successful experience in teaching before receiving a State diploma. The normal school diploma shall be signed by the State board of education, by the president and secretary of the board of regents, and by the faculty of the State normal school. All graduates of the State normal school are hereby authorized to teach in any public school in this State.

Ninth—To prescribe the qualifications for admission into the school; and,

Tenth—To make rules and bylaws not in conflict with the laws of this State for the government of the board of regents.

Section 7. At all meetings of the board of regents four members shall constitute a quorum, but a less number may adjourn from time to time. The powers and duties of the board may be performed during the pleasure of the board by a committee thereof, to be called the executive committee of the board of regents of the Oregon State normal school, with powers and duties as the board may prescribe.

FEB. 21, 1891.

Section 8. The regents shall not receive any compensation for their services, but they may be allowed their actual and necessary expenses in attending the meetings of the board, to be paid as current expenses of the school.

Section 9. At the close of each school year the president of the board of regents, and the president of the faculty, shall jointly make a written report to the Governor of the State, showing the transactions of the board, the condition, progress, and wants of the school, the number of professors, teachers, and students, and such other information as may be deemed of importance, of which reports a sufficient number shall be printed by the State Printer for gratuitous distribution throughout the State.

Section 10. Inasmuch as the board of regents provided for in this act should take immediate control of said State normal school, this act shall take effect and be in force from and after the approval of the Governor.

Section 11. Each order upon the State Treasurer by the board of regents of said normal school must be signed by the president of the board, and countersigned by the secretary. Upon presentation of the said order aforesaid, signed and countersigned as aforesaid, the Secretary of State must draw his warrant in favor of the board of regents of said school for any moneys or part thereof appropriated and set apart for the support of said normal school, and the Treasurer must pay said warrant on presentation.

AN ACT to amend an Act entitled an Act Providing for the Establishment of State Normal Schools in Oregon, approved October 26, 1882; also an Act entitled an Act to amend an Act entitled an Act Providing for the Establishment of State Normal Schools in Oregon, approved February 26, 1885.

Be it enacted by the Legislative Assembly of the State of Oregon:

FEB. 20, 1893.

Section 1. The act of the legislative assembly of the State of Oregon, entitled an act providing for the establishment of a State normal school at Weston, in Umatilla county, Oregon, approved February 26, 1885, be and the same is hereby amended to read as follows:—

Section 2. That said normal school is hereby created and established upon the terms and conditions hereinafter mentioned and provided in this act. The school is hereby permanently located at Weston, Oregon.

Section 3. For the government of said State normal school and to carry out the objects of its creation, there is hereby created a board of seven regents, to be known as the board of Eastern Oregon State normal school regents. The members of this board shall be

appointed by the Governor within thirty days after this act takes effect, and their term of office shall commence on the first Monday in April, 1893. Of the seven regents so appointed, two shall hold office for two years, two for four years, and three for six years, and until their successors are appointed and qualified. FEB. 20, 1893.

Section 4. Not more than four members of this board of regents at any time shall belong to the same political party. The term of service of each member first appointed under this act shall be determined by lot among them. After the first appointment members shall hold office for the full term of six years, and until their successors are appointed and qualified, unless to fill a vacancy, in which case they shall hold office for the remainder of the unexpired term.

Section 5. The said board of normal school regents and their successors in office are hereby constituted a body corporate with full power to accomplish the objects and perform the duties prescribed by them, but shall not buy or sell real estate, mortgage, or in any way dispose of the same, nor borrow nor loan money without express authority from the legislature of the State of Oregon; and all moneys received by them from tuition fees or otherwise, as such regents, shall be paid by them to the treasurer of the board, and be accounted for in each annual report.

Section 6. The officers of the board shall be a president, a secretary, and a treasurer, who shall severally hold office for the term of one year, and until their successors are elected and qualified. They shall be elected by the board at their annual meeting, and shall perform the duties incidental to their several offices, and such other duties as may be prescribed by the board. In the absence of the president, any member of the board may be elected president *pro tempore*. The secretary and the treasurer may be chosen from the members or otherwise, as the board may direct, but in either case the treasurer, before entering upon the duties of his office, shall execute to the State of Oregon a good and sufficient bond in the sum of ——— thousand dollars, conditional upon the faithful discharge of his duties, said bond to be approved by the president of the board and the governor of the State of Oregon.

Section 7. The said board shall hold an annual meeting in the normal school building on the last Wednesday in May of each year, or at such other time as they may hereafter designate. Special meetings may be called by the governor or the president of the board on a petition for that purpose signed by any four members of the board. A majority of the board of regents shall constitute a quorum for the transaction of business, but a less number

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may meet and adjourn from time to time. Any member of the board may be removed by the governor, or by a majority vote of the board of regents, after reasonable notice, for cause.

Section 8. No member of the board of normal school regents shall receive any salary or fees for his services, with the exception of traveling expenses to and from each board meeting. The secretary may be allowed a compensation of not to exceed two hundred dollars per annum, and the treasurer not to exceed one hundred dollars per annum, to be paid as the other salaries are paid.

Section 9. All payments by the board of regents for teachers' salaries, or salaries of secretary and treasurer, or for apparatus, furniture, or incidental expenses and disbursements of every sort, shall be made by the treasurer of the board in accordance with accounts duly audited by the board or a committee thereof, and upon a warrant of the secretary of the board, countersigned by the president of the board. And in case of a gift, or donation, or receipt of money from any source, no such warrant shall be issued until the sums so received have been paid to the treasurer of the board, nor in any case until the work be done, or article furnished, or consideration received entitling the applicant to such warrant, according to previous contract with said board of regents, or their authorized agents, for that purpose.

Section 10. The purpose and object of this normal school shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all branches necessary to thorough preparation for teaching in the common schools in the State of Oregon, also to give instruction in the fundamental laws of the United States and of this State in what regards the rights and duties of a good citizen.

Section 11. The board of regents may establish a model school for practice in teaching in connection with the normal school work, and make all the regulations necessary to govern and support the same; and they may in their discretion admit pupils to such model school free of charge.

Section 12. The general duties and powers of the board of regents shall be,—

1. To make, in connection with the president of the faculty, rules, regulations, and bylaws for the government of the school and each department of the same.

2. To appoint a president and vice-president, and other teachers and officers, and to employ such persons as may be required for said school, and to fix the salary and tenure of office or employ-

ment of each person so appointed or employed, and to prescribe FEB. 20, 1893. their several duties.

3. To purchase any needful or proper apparatus, books, or articles, and to provide for all necessary fuel and other supplies for use in the school.

4. To prescribe, in connection with the president of the school, the course of study and the various books to be used in the school.

5. To cause notice to be given of the opening of the school and the various terms thereof.

6. To prescribe rules and regulations for the admission of students, and to require any applicant for admission, other than such as prior to admission shall sign and file with said board a declaration of intention to follow the business of teaching in the common schools of the state of Oregon, to pay or to secure to be paid such fees for tuition as the board may deem reasonable.

7. To confer by bylaws upon the president of the school the power to suspend, expel, or otherwise punish students for misconduct or other cause prescribed in such bylaws.

8. To confer diplomas on such persons as the faculty may recommend for graduation, and who shall have passed before the State board of education, or some person or persons appointed by said board to conduct such examination in Weston, a satisfactory examination on all the branches of the prescribed course of study and the methods of teaching them; *provided*, that said persons shall have attended this normal school not less than one year and have had a successful experience in teaching. The normal school diploma shall be signed by the State board of education, by the president and secretary of the board of regents, and by the faculty of said normal school. All graduates of said normal school are hereby authorized to teach in any public school in this State for a period of six years, and after five years of successful teaching in the State of Oregon shall be entitled to a State life diploma.

Section 13. For the support of said normal school there is hereby appropriated from the general fund of the State the sum of twenty-four thousand dollars, to be drawn as follows: On the first Monday in April, 1893, and quarterly thereafter, the Secretary of State shall transmit to the treasurer of the board of regents a warrant for one eighth of the amount appropriated by the legislature. The treasurer of the board of regents shall hold all moneys, whether received as above or from any other source, and pay out the same only on orders from the secretary of the board of regents, countersigned by the president of the board of regents.

FEB. 20, 1893.

Section 14. The foregoing provisions of this act are expressly conditioned that the said normal school at Weston shall be deemed established, and the powers and privileges herein defined are granted upon the complete transfer by warrantee deed of the normal school building at Weston, said conveyance to include all the real estate belonging to said school, also the transfer of all personal property belonging thereto, said conveyance to be approved by the Governor of the State of Oregon.

Section 15. All acts and parts of acts heretofore passed by the legislative assembly of the State of Oregon inconsistent with this act are hereby repealed.

Section 16. Inasmuch as the present law is wholly insufficient to meet the increasing demands of the present normal school at Weston, and does not subserve the interest of education in that part of the State, this act shall be in force from and after its approval by the Governor.

AN ACT to authorize County Judges and Clerks of School Districts to Bid in Property Sold for Taxes.

Be it enacted by the Legislative Assembly of the State of Oregon :

FEB. 20, 1893.

That the county judge of each county in this State and the clerk of every school district is hereby empowered and authorized, at any legal sale of land for taxes in his county, to bid for and in behalf of the county or school district the amount of taxes and costs that are charged against such land or parcel thereof; and if there be no higher and better bidder, such land shall be sold to and become the property of the county or school district, subject to redemption as provided by law.

AN ACT to enable Women to hold Educational Offices within the State of Oregon.

Be it enacted by the Legislative Assembly of the State of Oregon :

FEB. 20, 1893.

Section 1. Women over the age of twenty-one years, who are citizens of the United States and of this State, shall be eligible to all educational offices within the State.

Section 2. All acts and parts of acts in conflict with this act are hereby repealed.

AN ACT to Establish a Graded School in Southeastern Oregon, and to Appropriate Money therefor.

FEB. 22, 1893.

Whereas there has never been an appropriation for a graded school east of the Cascade mountains; and whereas there is no school in Southeastern Oregon where any of the higher branches

are taught, and owing to the great distance from other schools maintained by the State, and that the obtaining of any knowledge of the higher branches of education is attended with great expense to those living in Southeastern Oregon ; therefore,

FEB. 22, 1893.

Be it enacted by the Legislative Assembly of the State of Oregon :

Section 1. That there is hereby appropriated out of the general fund of the State of Oregon the sum of five thousand dollars (\$5,000), to be used in establishing and maintaining a higher course of study in a graded school to be established in Lakeview, Lake county, Oregon, in the manner as hereinafter provided.

Section 2. That the directors of said graded school shall give a bond, to be approved by the Secretary of State, in the sum of ten thousand dollars (\$10,000), conditional that if said directors shall well and truly comply with the provisions of this act, and shall use said money so appropriated in the manner and for the purpose in this act provided, then said bond shall be void, otherwise to remain in full force and effect. Upon the presentation and approval of said bond, the Secretary of State shall issue his warrant upon the general fund for the sum of five thousand dollars, payable to the chairman of the board of directors of said graded school.

Section 3. Three hundred dollars of the money hereby appropriated shall be used by said board of directors in purchasing apparatus for said school, and the remainder shall be used exclusively in payment of salaries of teachers in the higher grades of said school.

Section 4. The following branches shall be taught in the higher grades of said school during the entire time that the money hereby appropriated is used in payment of salaries of teachers aforesaid, to wit: Higher Arithmetic, Algebra, Geometry, Political Economy, Rhetoric, Theory and Practice of Teaching, and such other studies as the directors of said school shall deem proper.

Section 5. No part of the money hereby appropriated shall be paid to the directors of said graded school until there is constructed a school building sufficient to accommodate two hundred students, and which shall have been constructed at a cost of not less than twelve thousand dollars. The evidence of these facts shall be the affidavit of the chairman of the board of directors filed with the Secretary of State; and upon the filing of such affidavit, the Secretary of State shall draw his warrant upon the State Treasurer in favor of the chairman of the board of directors of Lakeview school for the sum hereby appropriated.

AN ACT to Secure a more Convenient Mode of making Assessments and of Collecting and Paying Taxes, and to amend Section 2794 of the General Laws of Oregon, as compiled by W. Lair Hill.

Be it enacted by the Legislative Assembly of the State of Oregon :

FEB. 21, 1893.

Section 1. That in the assessment and tax rolls of the several counties, in addition to the columns elsewhere provided for, there shall be added four columns, one of which shall be headed "Cities," one "School Districts," one "Amount City Tax," and one "Amount School District Tax"; and it shall be the duty of the several county assessors in making their assessments, to enter opposite each item of property assessed in its appropriate column, the name of the city or incorporated town, and the number of the school district in which each item of property assessed is assessable.

Section 2. That in preparing the tax rolls in the several counties, after the several assessments therein have been finally equalized and the State board of equalization, it shall be the duty of the clerks of the county courts in the several counties to compute the aggregate value of all the assessable property in each of the incorporated towns or cities, and in each of the several school districts in each county, and to compile the same upon a page or pages of the tax roll in each county, showing the names of the incorporated towns or cities arranged alphabetically, and the numbers of the school districts arranged consecutively, with the aggregate valuation of the assessable property in each town or city, and of each school district shown opposite to the name or number thereof respectively.

Section 3. That all the taxes hereafter levied by any school district or incorporated town or city shall be levied upon the property therein respectively assessable upon the valuation of such property as shown by the assessment roll last compiled before said levy is made in the county in which such school district or incorporated town or city is included; and it shall be the duty of the clerk of the county court in each of the several counties, upon application of the clerk or board of school directors of any school district, and of the recorder, auditor, or clerk, or common council, board of directors or trustees of any incorporated town or city, to furnish a certificate, under the seal of the county court, showing the aggregate valuation of the assessable property in the school district or incorporated town or city from which such application shall have been made.

Section 4. It shall be the duty of each school district and of each incorporated town and city to notify, in writing, the clerk of the county court in the county within which the school district,

town, or city is respectively situate, of the rate per cent of the tax levy made by it on or before the first day of February in each year, which notice shall be kept on file by the several clerks, and remain a part of the records of the office. FEB. 21, 1893.

Section 5. After all the notices provided for in the last preceding section shall have been received by the several clerks of the county courts, it shall be the duty of said clerks to compute upon the levy made the tax upon the property on each individual assessed in any school district, town or city, and to extend the same by entering the aggregate tax of each individual in the appropriate columns opposite the last item of property assessed to such individual.

Section 6. That all such taxes shall be collected by the same officer, in the same manner, and at the same time as taxes for county purposes are collected. That it shall be the duty of the tax collector to pay to the county treasurer in his county as often as once each week all taxes collected, and he shall inform the treasurer whenever he pays over to him any of the money so collected, what amounts thereof are to be credited to the several funds for which they are respectively collected, taking the receipt of the treasurer in triplicate for the amount paid into each fund, one of which receipts for each fund he shall retain, file one with the clerk of the county court, and furnish one to the school district, town, or city for which each of such amounts are so paid in.

Section 7. The treasurer shall keep the moneys received from the tax collector in separate funds, and shall pay the same over to the several school districts, towns, or cities upon demand made by them the amounts thereof to which they are respectively entitled, taking their receipts therefor.

Section 8. That section 2794 of the general laws of Oregon, as compiled and annotated by William Lair Hill, be, and the same is hereby amended to read as follows:—

Sec. 2794. The county clerk of each county within this State shall within fifteen days after the apportionment of taxes make a certificate of the several amounts apportioned to be assessed upon the taxable property in his county for State, county, general and special school, military, university, and town, city, or other purposes for which a tax may have been legally levied, and deliver the same to the sheriff of the county, together with a transcript of the assessment roll, to which shall be attached a warrant in the name of the State of Oregon, under his hand and the seal of the county court, commanding the sheriff to collect the taxes charged in such list, and to make the same by sale of the goods and chattels of the respective persons named in such list, if necessary; and

FEB. 21, 1893. that he pay over all money collected by him by virtue of such warrant to the county treasurer and return such warrant, together with the list aforesaid, and entries thereon of all payments to him to the county court on or before the first Monday of April next ensuing the date thereof; *provided*, the sheriff, before entering on the duties of collection of taxes, shall execute an additional bond in such sum as the county court of the county may direct.

Section 9. That all laws providing for assessors in or assessments of property by any school district, incorporated town, or city, and all laws in conflict herewith be and the same are hereby repealed. Inasmuch as it is necessary the changes provided for in this act shall be made as soon as possible, this act shall take effect from and after its approval by the Governor.

APPENDIX.

*Containing Rules and Regulations for the Government of School Officers;
Blank Forms for the use of School Districts and District Officers;
Constitution of Oregon; Normal Institute Programme; Sug-
gestions for the use of School Officers, Etc.*

RULES AND REGULATIONS.

CHAPTER II.

Rules and regulations for the government of public schools and school officers in Oregon, made in pursuance of section 17, subdivision 2, of the Oregon school laws, which reads as follows: "The State board shall have power (2) to prescribe a series of rules for the government of public schools that shall secure regularity of attendance, prevent truancy, secure and promote the real interests of the schools." Revised January 3, 1881; January 1, 1885; May 2, 1887; September 13, 1889; November 8, 1889.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

RULE I.

The Superintendent of Public Instruction shall issue to the several county superintendents, in time for the public examination of teachers, on the second Wednesday of February, May, August, and November of each year, printed lists of uniform questions, prepared by the State board of examination for use at those examinations, in accordance with the rules hereinafter prescribed for the government of county superintendents.

APPEALS.

RULE II.

Any person aggrieved by any decision or order of the district board of directors in any matter of law or of facts (pertaining to his school district) may, within ten days after the rendition of such decision or the making of such order, appeal therefrom to the county superintendent of the county; *provided further*, that this right of appeal shall be open to all in relation to all school difficulties and complications occurring in school districts.

RULE III.

The basis of the proceeding shall be a complaint, filed by the party aggrieved with the county superintendent, within the time for taking the appeal.

RULE IV.

The complaint shall set forth the errors complained of in a plain and concise manner.

RULE V.

The county superintendent shall, within ten days after the filing of such complaint in his office, notify the clerk of the proper district, in writing, of the taking of such appeal, and the latter shall, within ten days after being thus notified, file in the office of the county superintendent

ent a complete transcript of the record and proceedings relating to the decision complained of which transcript shall be certified to be correct by the clerk of the district.

RULE VI.

After the filing of the transcripts aforesaid in his office, the county superintendent shall notify in writing, all persons adversely interested of the time and place where the matter of appeal will be heard by him.

RULE VII.

At the time thus fixed for the hearing, he shall hear and receive testimony for either party and for that purpose may administer oaths if necessary; and he shall make such decision as may be just and equitable, which shall be final, unless appealed from as provided in the following rule:

RULE VIII.

An appeal may be taken from the decision of the county superintendent to the Superintendent of Public Instruction, in the same manner as provided for taking appeals from the district board to the county superintendent, as nearly as applicable, except that he shall give twenty days notice of the appeal to the county superintendent, and the like notice shall be given the adverse party. And the decision when made shall, so far as the school department is concerned, be final. This right of appeal shall apply to all cases, except as hereinafter provided, and in any case of sufficient importance the Superintendent of Public Instruction may bring the matter before the State board of education for determination.

TEACHERS' EXAMINATIONS.

RULE IX.

At the public quarterly examination of teachers provided by law, the county superintendent shall use the uniform questions furnished by the State Superintendent, and the signatures of assistant examiners shall appear on all certificates issued at these examinations.

RULE X.

The county board of education shall hold its regular public quarterly examination of applicants for teachers' certificates on the second Wednesday of February, May, August, and November. The hour of opening the session of the board shall be 1 o'clock P. M.

RULE XI.

All questions for the public quarterly examinations shall be forwarded to each county superintendent, who shall have exclusive charge of said questions until the examination is commenced and the questions shall not be opened except in the presence of the board of examiners at the time of beginning each public quarterly examination.

RULE XII.

Two (2) members shall constitute a quorum for the transaction of business.

RULE XIII.

Applicants shall not be admitted to the examination who were absent at its opening.

RULE XIV.

No applicant shall be allowed to leave the room or communicate with any person during the examination, except by special permission of the president.

RULE XV.

All applicants shall begin in a given subject at the same time, and no recess shall be taken until that subject is finished.

RULE XVI.

Applicants are required to answer in complete sentences, as far as practicable. Full credit will be given only when answers are correct in fact and in form.

RULES AND REGULATIONS.

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RULE XVII.

No applicant shall be permitted to have a textbook in his possession during the hours of examination.

RULE XVIII.

All applicants must endorse their papers with their numbers and the name of the subject and date of examination; and all entries on the record book kept by the county superintendent for this purpose shall be made on these numbers only. The names of the applicants shall not be entered upon the register until the close of the examination; but shall, with the number and the name, be entered at the beginning of the examination on blank cards, which shall be kept in a sealed envelope till the close of the examination.

RULE XIX.

No member of the board shall communicate to any one the standing of any applicant on any study during the examination.

RULE XX.

Every applicant, before receiving his certificate, must subscribe to the following: I do hereby certify that prior to this examination I had no knowledge of the questions proposed, and have neither given nor received any aid during the progress of the same.

RULE XXI.

In examinations for permits, the county superintendents shall not use the same questions as at the last preceding public examination, but questions of the same grade and number shall be used.

RULE XXII.

Examinations of teachers shall in every case be conducted, as far as possible, in writing; and the questions and answers, endorsed with the candidate's name and the date of the examinations, shall be filed in the office of the county superintendent and kept as a part of its permanent records.

RULE XXIII.

County superintendents must require all applicants for teachers' certificates, who are not personally known to them to be of good moral character, to present satisfactory written testimonials to that effect from two or more persons of respectable standing. Such testimonials shall be filed with the examination papers, and shall remain permanently in the office of the superintendent.

RULE XXIV.

The county superintendent may revoke any certificate obtained by fraud or misrepresentation as to the character of the applicant, or when the holder has been guilty of gross immorality since the certificate was granted. But no certificate shall be revoked unless the holder shall have been duly notified of the charges against him, and shall have had opportunity to defend himself against them, nor unless the charges shall have been fully proved; *provided*, that in all cases where personal acknowledgment of guilt is made by the holder, the certificate may be annulled without trial.

RULE XXV.

The action of the county superintendent in revoking a certificate because of the immoral conduct upon the part of the holder, is subject to an appeal to the county board of examiners, sitting for that purpose, and the decision in such case, when reached, shall be final.

RULE XXVI.

The county superintendent is hereby authorized to convene the county board of examiners, for the purpose of hearing appeals, conducting public examinations, or for the consideration of all questions that may advance the best interests of the public schools in his county. The meetings of the board shall be held at such time and place in the county as may be deemed most expedient by the county superintendent; *provided*, that the public quarterly examinations shall be held as provided in section 25 of the school law.

RULES AND REGULATIONS.

RULE XXVII.

In any case where a certificate has been revoked as set forth in rule XIV., no certificate shall be granted to the same person in the same county, or in any other county in the State, within three months from date of revocation, unless the decision of the county superintendent in revoking the certificate shall have been duly reversed on appeal to the county board of examiners.

RULE XXVIII.

In every instance where an appeal is taken from the decision of the county superintendent, the appellant shall give due notice (in writing) to the county superintendent of his intention in the premises similarly and within the same time as specified for school district appeals in rule II. Within ten days after such notice has been received, the county superintendent may cause the county board of examiners to be convened for the purpose of hearing the appeal. The county superintendent may require the attendance of the appellant and all important witnesses, in case the same is deemed advisable for the more intelligent and equitable examination of the appeal. Copies of written testimony, affidavits, etc., pertaining to the examination of the appeal, shall be kept on file in the office of the county superintendent.

RULE XXIX.

In case an applicant for a certificate believes that the county superintendent has done him an injustice upon examination, he shall have the right to appeal to the Superintendent of Public Instruction. In case the applicant intends to appeal to the Superintendent of Public Instruction, he shall within ten days after said examination notify the county superintendent, in writing, of his intention. Within ten days after such notice, the county superintendent shall transmit to the Superintendent of Public Instruction the notice of appeal and the questions used at the examination, together with the candidate's answers thereto. All of said papers, except the notice of appeal, must be returned to the county superintendent as soon as the appeal is determined.

RULE XXX.

The Superintendent of Public Instruction shall have the right to grant certificates only upon appeal from county superintendents, and then only in case it appears that the county superintendent has done the candidate substantial injustice in the immediate examination and in the grade awarded by him; *provided*, that the Superintendent of Public Instruction may require the appellant to pass such additional examination on any or all of the branches upon which the appeal is based as he may deem right and proper in the premises.

RULE XXXI.

The Superintendent of Public Instruction, in conjunction with the State board of examiners (or such of them as he may call to his assistance), shall have the right to decide all appeals from county superintendents relative to examinations set forth in rules XXIX. and XXX. No appeals shall be heard unless notice thereof, in writing, shall have been first given to the county superintendent by the person appealing, within ten days from the date of the examination, nor unless a copy of such notice shall have been transmitted, with the papers relating to the case, to the Superintendent of Public Instruction.

TEACHERS.

RULE XXXII.

The teachers in the public schools of the State may dismiss all pupils under eight years of age after a four hours' session each day, or, where that is not practicable, may allow to pupils of that age recesses of such length that the actual confinement in the schoolroom shall not exceed three hours and a half per day.

RULE XXXIII.

Teachers shall exercise watchful care and oversight over the conduct and habits of the pupils, not only during school hours, but also at the recesses and intermissions, and while going to and returning from school.

RULE XXXIV.

It is expected that a strict and wholesome discipline will be constantly maintained in all public schools; but teachers are cautioned against displays of ill-temper and undue severity in the schoolroom.

RULE XXXV.

In any case of misconduct or insubordination, when the teacher deems it necessary for the good of the school, he may suspend a pupil, and shall immediately notify the directors of the district thereof. The directors shall forthwith meet and consider the matter, and if they approve the action of the teacher and think the case calls for further punishment, they may expel the pupil from the school.

RULE XXXVI.

Teachers in the public schools shall, to the utmost of their ability, inculcate in the minds of their pupils correct principles of morality, and a proper regard for the laws of society, and for the government under which they live.

RULE XXXVII.

Every public-school teacher shall give vigilant attention to the temperatnre and ventilation of the schoolroom, and shall see that the doors and windows are open at each intermission, for the purpose of changing the atmosphere of the room. He shall require his pupils to take proper exercise, and shall encourage healthful play at recesses, but he shall strictly prohibit all dangerous and immoral games and amusements.

RULE XXXVIII.

Teachers shall have the right, and it shall be their duty, within reasonable limits, to direct and control the studies of their pupils; to arrange them in proper classes, and to decide, subject to these rules, what and how many studies each shall pursue.

RULE XXXIX.

In all ordinary ungraded district schools in the State, where there are pupils of the proper age and degree of advancement, classes may be organized and kept up in the following-named studies, to wit: First, second, third, fourth, and fifth readers; orthography (embracing pronunciation and word analysis); penmanship; primary, elementary (mental) and practical arithmetic; elementary and comprehensive geography; beginners' and advanced grammar; United States history; elementary natural science; common-school literature; citizenship; physiology and hygiene, and vocal music. In such schools no branches additional to these shall be taught, unless the directors so order by positive vote; and in no case shall teachers neglect the classes pursuing the above-named studies in order to make room for any additional branches. In high schools and other schools of advanced grades, the following-named studies may be taught in addition to those above-mentioned, to wit: Algebra, astronomy, geometry, geology, general history (advanced), composition, physiology and hygiene, natural philosophy, chemistry, botany, book-keeping, and science of government, and vocal music; *provided*, that the State series of textbooks, as set forth in rule XL., and no others, shall be used. Nothing in this rule shall be so construed as to prohibit or prevent teachers from introducing in their schools such oral instructions and "object lessons" as they may deem necessary or suitable.

RULE XL.

The following is a complete list of the textbooks adopted by vote of the county superintendents for use in the public schools of this State, and are classified as follows:—

FOR PRIMARY AND INTERMEDIATE GRADES.

Orthography—Watson's Child's Speller, Watson's Complete Speller, Swinton's Model Word Blanks, Manson's Spelling Blanks, and Swinton's New Word Analysis.

Pronunciation—Webster's Dictionaries.

Reading—The New National Series, consisting of the First, Second, Third, Fourth, and Fifth Readers.

Penmanship—Spencerian System and Copy Books.

Arithmetics—Piper's Seat Work, Fish's Written Arithmetics Nos. 1 and 2, and Brook's Normal Mental Arithmetic.

Descriptive Geography—Monteith's Elementary Geography and Monteith's Comprehensive Geography (both Pacific Coast editions).

Grammar—Language Lessons—Short Studies in English, Sill's Grammar, and Clark's Normal Grammar.

History—Barnes' Primary History and Barnes' Brief History of the United States.

Science—Monteith's Popular Science.

Literature—Westlake's Common School.

Drawing—White's Industrial—Primary and Intermediate Numbers.

Vocal Music—Loomis' Series, Nos. 1, 2, and 3.

Natural History—Tenney's Elementary.

Physiology and Hygiene—Smith's Series of Primary Textbooks.

FOR HIGH SCHOOLS AND ADVANCED SCHOOLS.

Arithmetic—Brooks' Normal Mental and Fish's Written Arithmetic, 2d part.

Algebra—Robinson's Algebra.

Geometry and Trigonometry—Robinson's.

Geography—Guyot's Physical.

Grammar—Clark's Normal Grammar.

History—Barnes' General History.

Composition—Bardeen's.

Physiology—Steele's Fourteen Weeks.

Citizenship—Young's Government Classbook.

Book-keeping—Bryant & Stratton's.

Business Forms—Ward's.

Drawing—White's Advanced Numbers in Drawing.

Vocal Music—Loomis' Nos. 4 and 5.

Letter Writing—Westlake's.

Chemistry—Steele's Fourteen Weeks.

Natural Philosophy—Steele's Fourteen Weeks.

Botany—Steele's Fourteen Weeks.

Astronomy—Steele's.

Geology—Steele's.

RULE XLI.

In primary schools where it is deemed necessary to begin instruction in reading of easier grade than the First Reader, charts may be used for that purpose.

RULE XLII.

Every teacher in the public schools shall prepare at the beginning of each term a programme of daily exercises and recitations, and post the same in a convenient place in the schoolroom for the benefit of the school.

RULE XLIII.

Every teacher in the public schools shall be provided by the board of directors with a school register, in which he shall carefully note the attendance and standing of his pupils. At the close of the school the teacher shall deposit the same with the clerk of the district, who shall preserve the same along with the other books and papers belonging to his office for inspection.

RULE XLIV.

At the close of every term of school the teacher shall thoroughly examine his pupils in the studies of the term, using written questions and requiring written answers whenever practicable; and the standing of each pupil in examination shall be noted accurately upon the school register.

RULE XLV.

Teachers are authorized to require excuses from the parents or guardians of pupils, either in person or by written note, in all cases of absence or tardiness or dismissal before the close of the school, and no excuse shall be deemed valid except that of sickness or necessary employment. The teacher shall be the judge of the sufficiency of excuses, subject to an appeal to the directors; *provided*, that boards of directors may, by formal adoption, change the character of the excuses which shall be deemed valid in compliance with the powers of directors as set forth in subdivision 12, section 37, of the Oregon school laws.

RULE XLVI.

Whenever the unexcused absences of any pupil during any term shall amount in the aggregate to seven days, he shall be reported to the directors, and the teacher may suspend him until the opinion of the directors can be taken. For this purpose an unexcused absence or tardiness for a half day or less or for more than one hour at any one time shall be deemed a half day's absence; and such absence or tardiness for more than half a day at one time shall be reckoned as an absence for a whole day; *provided*, that boards of directors may establish a less time of absence or tardiness as cause for suspension or expulsion, which shall be deemed valid in compliance with the powers of directors, as set forth in subdivision 12, section 37, of the Oregon school laws.

RULE XLVII.

The names of all those pupils of the public schools of this State who, at the close of any term, shall be found to have been neither absent nor tardy during the term, and who have maintained correct deportment, shall be inscribed by the teacher upon suitable rolls of honor and displayed in some prominent and safe place in the schoolroom.

RULE XLVIII.

The teacher of every public school shall, at the close of each term, make out and transmit to the county superintendent a written report according to such form as may be furnished by the State board of education, and file a duplicate copy of the same with the district clerk. In schools having more than one teacher, the principal alone must report; but such report must include the *statistics for the whole school*.

RULE XLIX.

Teachers in the public schools in this State are required to attend all teachers' institutes held under authority of law in the counties where they reside; *provided*, that they shall be required to attend the annual institute in their county in each year. For non-attendance of any teacher at the institute without a good and sufficient reason, the county superintendent is hereby authorized to lower the grade of his or her certificate, or revoke the same, in his discretion. School directors are required to allow their teachers two days of actual school service for such attendance, without any deduction from their wages, and without requiring them afterwards to make up the time so spent.

RULE L.

In all public schools in this State the teachers shall require of their pupils regular stated exercises in composition and declamation.

RULE LI.

In all schools where there are primary pupils, it is recommended that exercises in free gymnastics and suitable voice and "*breathing exercises*" be given daily.

RULES AND REGULATIONS.

PUPILS.

RULE LII.

No pupil shall be allowed to retain connection with any public school unless provided with books, slate, and other things required to be used in the classes to which he is assigned ; but no pupil shall be excluded for this cause, unless the teacher shall have given one week's previous notice to his parents or guardians of the articles needed. Indigent pupils may be supplied with books, etc., at the expense of the district if the directors so order.

RULE LIII.

Pupils affected with contagious diseases shall not be allowed to remain in any of the public schools.

RULE LIV.

Every pupil is required to attend school punctually and regularly ; to conform to the regulations of the schools, and to obey promptly all the directions of the teacher ; to observe good order and propriety of deportment ; to be diligent in study, respectful to teachers, and kind and obliging to schoolmates ; to refrain entirely from the use of profanity and vulgar language, and to be clean and neat in person and clothing.

RULE LV.

Any pupil who shall, in any way, cut or otherwise injure any schoolhouse, or injure any fence, trees, or outbuildings belonging to any school, or shall write any profane or obscene language, or make any obscene pictures on the school premises, shall be liable to suspension, expulsion, or other punishment, according to the nature of the offense.

RULE LVI.

That portion of these rules and regulations pertaining to the duties and privileges of teachers and pupils shall be read and explained by the teacher, in the presence of the school, at least once during each school term.

SYLVESTER PENNOYER,
Governor.

GEO. W. McBRIDE,
Secretary of State.

E. B. McELROY,
Sup't of Public Instruction.

STATE BOARD OF EDUCATION.

BLANK FORMS.

CHAPTER III.

FORM NO. 1.

Form of petition asking for the organization of a new school district:—

_____, 18__

To the Honorable County Superintendent of _____ County, Oregon:

The undersigned, legal voters and residents within the territory with boundaries as herein indicated, do respectfully ask that you establish and constitute a school district with boundaries as follows, to wit: _____ [here give the boundaries], the same to constitute and be known hereafter as school district No. _____ of _____ county, Oregon, and your petitioners will ever pray.

Names.	Names.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FORM NO. 2.

Form for the organization of a new school district:—

In pursuance of a petition now on file in this office, it is hereby ordered and determined that the territory included within the boundaries described as follows, to wit: _____ [here describe the boundaries of the district], shall hereafter constitute a school district to be known as school district No. _____ of _____ county, Oregon.

Given under my hand this _____ day of _____, A. D. 18__, at _____, Oregon.

County School Superintendent.

FORM NO. 3.

Form of county superintendent's notice to taxable inhabitant of newly organized school district:—

A. _____ B. _____:

_____, 18__

DEAR SIR—You are hereby notified of the organization of school district No. _____ of _____

county, Oregon, with boundaries as follows, to wit:-----[here give boundaries.]

You are hereby authorized and directed to write and post up immediately three notices in as many different public places in said district, notifying the legal voters thereof to assemble at a specified hour of a certain day at some convenient place for the purpose of organizing and electing three directors and a clerk, and for the transaction of such other business as may be in conformity with the provisions of the Oregon school law, giving at least ten days' notice of such meeting.

County School Superintendent.

FORM NO. 4.

Form of notice calling a meeting to organize a newly established school district:—

NOTICE OF SCHOOL MEETING.

By authority received from the county school superintendent of this county, and in pursuance of section 30 of the Oregon school law, notice is hereby given to all legal voters of school district No.----- of-----county, Oregon, to meet at the hour of-----o'clock-----on the-----day of-----, A. D. 18-----, at the residence of-----, for the purpose of electing three directors and a clerk, and for transacting such other business as the meeting may determine. The boundaries of said district are as follows:-----[here give the boundaries.]

Done this-----day of-----, A. D. 18-----

A----- B-----
A Legal Voter of School District No.-----

FORM NO. 5.

Form of oath to be administered to the directors and clerks before entering upon the duties of their office:—

You do solemnly swear that you will, during your term of office, discharge the duties of-----[director or clerk, as the case may be] of school district No.-----of-----county, Oregon, in accordance with the requirements of law, and for the best interests of the district, to the best of your ability. So help you God.

NOTE.—This oath of office may be administered by the chairman of the meeting, or by any one he may designate for that purpose.

FORM NO. 6.

Form of petition for the organization of a joint school district lying partly in two or more counties:—

-----, 18-----
The undersigned, legal voters and residents within the territory with boundaries as described herein, do respectfully ask that you set off and constitute a part of a school district the territory situate in-----county, Oregon, and bounded as follows, to wit:-----[here give the boundary], the same to constitute a part of a joint school district of-----and-----counties, Oregon, and to be known hereafter as joint school district No.-----of-----and-----counties, Oregon, and your petitioners will ever pray.

Names.	Names.
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FORM NO. 7.

Form of notice for calling annual school meeting:—

ANNUAL SCHOOL MEETING.

Notice is hereby given to the legal voters of school district No. _____ of _____ county, Oregon, that the annual school meeting for said district will be held at _____, to begin at the hour of _____ o'clock on the first Monday, being the _____ day of March, A. D. 18____

This meeting is called for the purpose of electing _____ [here mention the officers to be elected, and the length of time each is to serve], and the transaction of the business usual at such meeting.

Dated this _____ day of _____, A. D. 18____

A. _____ B. _____
District Clerk.

NOTE.—This notice should be posted in at least three public places in the district at least ten days before the day appointed for the meeting. If it is desirable to levy a tax on the district, for any object whatever, this should be stated in the notice, and if any other matters of vital importance to the district are to be brought before the meeting for its consideration, they should be mentioned in the call.

FORM NO. 8.

Form of bond required by directors of district clerk, and to be filed with the directors:—

Know all men by these presents, that we, E. _____ F. _____, clerk of school district No. _____ of _____ county, State of Oregon, and L. _____ M. _____ and P. _____ Q. _____, his sureties, are held and firmly bound unto said school district in the sum of _____ [here insert a sum of double the amount to come into the clerk's hands, as nearly as can be ascertained], to be paid to said school district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, A. D. 18____

The condition of the above obligation is such that if the said E. _____ F. _____, clerk as aforesaid, shall faithfully discharge the duties of his office as clerk of said school district, and shall well and truly pay over to the person or persons entitled therein, upon the proper order therefor, all sums of money which shall come into his hands as clerk of said school district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as

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clerk aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and effect.

E.----- F.----- [SEAL.]
 L.----- M.----- [SEAL.]
 P.----- Q.----- [SEAL.]

In presence of

FORM NO. 9.

Form of petition for changing the boundary of a school district :—

To the Honorable County Superintendent of -----, 18-----
 ----- County, Oregon :

We, the undersigned, legal voters of school district No.----- of ----- county, Oregon, believing it to be for the best interests of the people of the district, do most respectfully ask that the boundary of said district be changed to read as follows :-----[here give the boundary of the district as it would be when changed], and your petitioners will ever pray.

Names.	Names.
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FORM NO. 10.

Form of lease :—

Know all men by these presents, that A----- B-----, of the county of-----, in the State of Oregon, of the first part, for the consideration herein mentioned, does hereby lease unto the directors of school district No.----- of the county and State aforesaid, party of the second part, and their successors and assigns, the following described parcel of land :-----[here insert description of land], together with all the privileges and appurtenances thereunto belonging, to have and to hold the same for and during the term of-----years from the-----day of-----, A. D. 18-----; and the said party of the second part, for themselves and their successors and assigns, do covenant and agree to pay the said party of the first part for the premises, the annual rent of-----dollars.

In testimony whereof, the said parties have hereunto set their hands and seals this-----day of-----, A. D. 18-----.

A.----- B.-----
 ----- Lessor.
 C.----- D.-----
 E.----- F.-----
 G.----- H.-----

[SEAL]

Directors of School District No.-----of the County of-----, State of Oregon.

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FORM NO. 11.

Form of contract between school district and teacher :—

It is hereby agreed between the directors of school district No. _____, of _____ county, and State of Oregon, and A. _____ B. _____, a qualified teacher of said county and State, that the said A. _____ B. _____ is to teach the public school of said district for the time of _____ [here insert time], for the sum of _____ dollars per month, commencing on the _____ day of _____, A. D. 18____, and for such services, lawfully and properly rendered, the directors of said district are to pay to the said A. _____ B. _____ the amount that may be due according to this contract, on or before the _____ day of _____, 18____.

Dated this _____ day of _____, A. D. 18____.

C. _____ D. _____

E. _____ F. _____

G. _____ H. _____

Directors of School District No. _____, of _____ County, Oregon.

A. _____ B. _____

Teacher.

NOTE.—The contract must be signed by at least two directors of the school district.

FORM NO. 12.

Form of deed :—

This indenture witnesseth that A. _____ B. _____ and C. _____ D. _____, his wife (if he has one), for and in consideration of the sum of _____ dollars, to them in hand paid, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell, and convey unto the directors of school district No. _____ of _____ county, Oregon, the following described premises, to wit : _____ [here give descriptions], together with the tenements, hereditaments, and appurtenances thereunto belonging or in any way appertaining; to have and to hold the same, with the appurtenances, unto the directors of school district No. _____, their successors and assigns forever. And the said A. _____ B. _____ and C. _____ D. _____ do hereby covenant to and with the said directors, their successors and assigns, that they are the owners in fee simple of said premises; that they are free from all incumbrances, and that they will warrant and defend the same against all lawful claims whatever.

Witness our hands and seals, this _____ day of _____, A. D. 18____

A. _____ B. _____ [SEAL.]

C. _____ D. _____ [SEAL.]

In presence of

FORM NO. 13.

Acknowledgment :—

STATE OF OREGON, _____ } ss.
COUNTY OF _____ }

On this, the _____ day of _____, A. D. 18____, personally came before me, a _____ in and for said county, the within named _____ and _____ his wife, to me personally known to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely for the uses and purposes therein named.

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And the said C----- D-----, on examination separate and apart from her said husband, acknowledged to me that she executed the same freely and without fear or compulsion from any one.

Witness my hand, this _____ day of _____, A. D. 18____

L----- M-----

-----[Official title.]

FORM NO. 14.

Form of order on district clerk for the payment of money :—

To A----- B-----, District Clerk of School District No.----- of ----- County, Oregon :

Please pay to ----- the sum of ----- dollars for -----[here specify the object for which the money is to be paid], out of any money in your hands not appropriated and belonging to said district.

Dated this ----- day of -----, A. D. 18____

C----- D-----

E----- F-----

G----- H-----

Directors of School District No.----- of ----- County, Oregon..

FORM NO. 15.

Form for affidavit of appeal (section 25) :—

STATE OF OREGON, } ss.
COUNTY OF-----

A----- B----- vs. School District No.----- of ----- county, Oregon.

I, A----- B-----, being duly sworn, on oath say that on the ----- day of -----, A. D. 18____, the board of directors of said district rendered a decision (or made an order) whereby -----[here state facts showing affiant's interest in the decision]; that said board in rendering the decision (or making the order) aforesaid committed errors as follows :-----[here state the errors charged]

A----- B-----

Subscribed and sworn to by A----- B----- before me this ----- day of -----
A. D. 18____.

FORM NO. 16.

Form of notice of appeal (section 25) :—

STATE OF OREGON, } ss.
COUNTY OF-----

A----- B----- vs. School District No.----- of ----- county, Oregon.

To -----, District Clerk of District No.-----

You are notified that A----- B----- has filed in my office an affidavit alleging that the board of directors of district No.-----, on the ----- day of -----, A. D. 18____, made a decision (or an order) whereby -----[here describe the decision or order so that the clerk may identify it], and claiming an appeal therefrom. You are therefore required, within ten days after receiving this notice, to file in my office at -----, in said county, a complete transcript of the record of the

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proceedings of the board relating to said order, together with copies of all papers filed with you pertaining to said action appealed from.

Dated at _____, this _____ day of _____, A. D. 18____.

County School Superintendent.

FORM FO. 17.

Form of certificate of district clerk to county superintendents:—

I, _____, district clerk of district No. _____, in the county of _____, Oregon, hereby certify that the foregoing is a correct and complete transcript of the record of all proceedings of the board and of all papers filed relating to the case of A. _____ B. _____ vs. School District No. _____.

Dated at _____, _____, 18____.

District Clerk.

NOTE.—The district clerk's transcript will contain,— first, a copy of all that portion of the records of the proceedings of the meetings relating to the action appealed from, with the date of the meeting; second, a copy of each petition, remonstrance, plat, or other paper relating to said action submitted to the board, to which will be annexed the above certificate.

FORM NO. 18.

Form of notice of hearing of appeal:—

STATE OF OREGON, _____ } ss.
COUNTY OF _____ }

A. _____ B. _____ vs. District No. _____

To _____:

You are hereby notified that there is on file in this office a transcript of the proceedings of the board of directors of district No. _____ of _____ county, Oregon, at a meeting on the _____ day of _____, 18____, in relation to _____ [here describe the decision or order appealed from], from which appeal has been taken; and that the said appeal will be heard before me at _____, in said county, on the _____ day of _____, 18____.

Dated at _____, _____, 18____.

County School Superintendent.

NOTE.—The appellant, the chairman and clerk of the district, and other parties known to be interested, should receive a copy of this notice.

FORM NO. 19.

Form of certificate of county superintendent's transcript:—

I, _____, superintendent of _____ county, Oregon, hereby certify that the foregoing is a correct and complete transcript of the records of all proceedings had, evidence given, and papers filed in my office, and my rulings thereon, also of my decision in the case of A. _____ B. _____ vs. School District No. _____.

Dated at _____, _____, 18____.

County School Superintendent.

NOTE 1.—The date of filing every paper should be endorsed thereon; also in the case of motions, all orders and rulings of the county school superintendent. All oral motions and evidence should be reduced to writing.

NOTE 2.—The transcript of the county school superintendent should consist of every paper filed, and all endorsements thereon, together with a copy of all evidence given. The whole should be arranged in chronological order, closing with the decision of the county school superintendent in full, with the above certificate attached.

FORM NO. 20.

Form for appointment of arbitrators and appraisers of site or schoolhouse or other school property (section 25, Oregon school laws):—

To _____ and _____

You are hereby appointed and constituted a board of appraisers and arbitrators under the provisions of section 25 of the Oregon school laws, to assess the damages which school district No. _____ of _____ county, Oregon, will sustain by the division for school purposes of the following described real estate and other property, viz: _____

_____ in district No. _____ in the county of _____ and State of Oregon, containing _____ You will, therefore, on the _____ day of _____, 18____, at _____ o'clock _____ M., proceed to examine the real estate and other property above described, and assess under oath, the cash damages which the district will sustain by the division of the same for school purposes, and immediately report to us in writing the amount of said damages.

Dated at _____, 18____

Boards of Directors.

OATH OF ARBITRATORS.

We, _____ and _____, do solemnly swear that we will well and truly and to the best of our ability perform all of the duties imposed upon us by the foregoing commission.

Subscribed and sworn to before me by _____ and _____ arbitrators, this _____ day of _____, 18____

NOTE.—Sufficient time must be allowed between the appointment and this commission and the time set for appraising the damages to give the arbitrators legal notice thereof, and a reasonable time to meet.

FORM NO. 21.

Form of notice to district clerks from arbitrators (section 25):—

To _____ and _____ District Clerks, Districts Nos. _____ and _____
of _____ County, Oregon :

You are hereby notified that we have this day been appointed appraisers to assess the damages which district No. _____ will sustain by the division for school purposes of the following-described real estate and other property, viz. : _____

We will meet at _____ on the _____ day of _____, 18____, at _____ o'clock _____ M., and assess said damages as provided by section 25, Oregon school laws.

Dated at _____, 18____.

Arbitrators.

FORM NO. 22.

Form of appraisement of school property (section 25):—

To A. _____ B. _____, _____, Oregon :

We the undersigned, having been appointed to appraise the damages which district No. _____ will sustain by the division of the following-described real estate and other property belonging to said district, viz. : _____

do hereby report that we have on this _____ day of _____, 18____, carefully examined said described real estate and other property and have appraised the same at _____ dollars.

Dated at _____, 18____.

Arbitrators.

FORM NO. 23.

Form of order on county treasurer for the payment of county school funds due school districts :—

\$ _____ OFFICE OF COUNTY SUPERINTENDENT, }
_____, OREGON, _____, 18____ }

To _____, County Treasurer of _____ County, Oregon :

You will please pay to _____, district clerk of school district No. _____, _____ county, Oregon, the sum of _____ dollars for the use of said district, and charge the same to the county school fund of _____ county, Oregon.

No. _____

County School Superintendent.

FORM NO. 24.

Form of order on county treasurer for the payment of the county apportionment of the State school fund due school districts :—

\$ _____ OFFICE OF COUNTY SCHOOL SUPERINTENDENT, }
_____, OREGON, _____, 18____ }

To _____, County Treasurer of _____ County, Oregon :

You will please pay to _____, district clerk of school district No. _____,

BLANK FORMS.

----- county, Oregon, the sum of ----- dollars for the use of said district, and charge the same to the State school fund apportioned to ----- county.

No. -----

County School Superintendent.

FORM NO. 25.

Form of receipt from school clerks to county treasurer for school moneys received :—

\$-----

OFFICE OF COUNTY TREASURER,
-----, OREGON, -----, 18----- }

Received from -----, county treasurer for the county of -----, Oregon, the sum of ----- dollars for the use of school district No. -----, ----- county, as per order No. -----, issued by the county school superintendent on the ----- fund of said county.

No. -----

District Clerk School District No. -----, ----- County, Oregon.

FORM NO. 26.

Form of district clerks' receipt to county school superintendent for school order received :—

\$-----

OFFICE OF DISTRICT CLERK,
SCHOOL DISTRICT No. -----, ----- COUNTY, OREGON, }
-----, 18----- }

Received from -----, county school superintendent of ----- county, Oregon, order No. -----, drawn upon the county school fund of ----- county for ----- dollars for the use of school district No. -----.

No. -----

District Clerk.

FORM NO. 27.

Form of State school fund receipt :—

\$-----

OFFICE OF DISTRICT CLERK,
SCHOOL DISTRICT No. -----, ----- COUNTY, OREGON, }
-----, 18----- }

Received from -----, county school superintendent of ----- county, Oregon, warrant No. -----, drawn upon the county apportionment of the State school fund, ----- dollars for the use of school district No. -----.

No. -----

District Clerk.

FORM NO. 28.

Form of notice of county school superintendent of meeting for examination of school teachers :—

Notice is hereby given that for the purpose of making an examination of all persons who may offer themselves as candidates for teachers of the schools of this county, the county school superintendent thereof will hold a public examination at ----- [here insert the time and place of meeting.]

Dated this ----- day of -----, 18-----

County School Superintendent ----- County, Oregon.

FORM NO. 29.

Form of county superintendent's receipt to teacher for examination fees (section 25, Oregon school laws):—

Received from _____ for public examination for teacher's certificate the sum of \$1.00, the same to be paid to the county treasurer and credited to the county institute fund.

No. _____

County School Superintendent.

FORM NO. 30.

Form of receipt for temporary certificate fees (section 25, Oregon school laws):—

Received from _____ for temporary certificate examination the sum of \$2.50 (the same to be paid in advance), and to be paid to the county treasurer and credited to the county institute fund.

County School Superintendent.

FORM NO. 31.

Form for receipt of institute fund (section 25):—

\$ _____ OFFICE OF COUNTY TREASURER, }
_____, OREGON, _____, 18____ }

Received of _____, county school superintendent of _____ county, Oregon, for public examination fees, _____ dollars, to be credited to the county institute fund.

No. _____

County Treasurer.

FORM NO. 32.

Form of receipt for temporary certificate fees (section 25):—

\$ _____ OFFICE OF COUNTY TREASURER, }
_____, OREGON, _____, 18____ }

Received of _____, county school superintendent of _____ county, Oregon, for teachers' temporary certificate fees, _____ dollars, the same to be credited to the county institute fund.

No. _____

County Treasurer.

FORM NO. 33.

Form of order on county institute fund (section 25, Oregon school laws):—

\$ _____ OFFICE OF COUNTY CLERK, }
_____, COUNTY, OREGON, _____, 18____ }

To _____, Treasurer of _____ County, Oregon:

Pay to _____, county school superintendent, or order, _____ dollars, out of the county institute fund, for _____, as per bill No. _____, audited and approved this day, as required by section 25, Oregon school laws, and on file in my office.

No. _____

County Clerk.

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NOTE.—The county clerk should not issue warrants for a greater amount than the county institute funds in the hands of the county treasurer will pay off and satisfy.

FORM NO. 34.

Form for quarterly report of institute fund to the county treasurer by the county school superintendent (section 25, Oregon school laws):—

QUARTERLY REPORT OF INSTITUTE FUNDS.

Received for examination fees for the quarter ending _____, 18____, and paid to the county treasurer of _____ county, Oregon, as required by section 25, Oregon school laws, as amended February 21, 1887:

No.	Name of applicant.	Amount received.
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FORM NO. 34.—CONCLUDED.

No.	Name of applicant.	Amount received.
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
Total		\$

I hereby certify that the above report is correct.

Dated....., Oregon,18....

FORM NO. 35.

Form of notice to teacher of intention to suspend or revoke certificate :—

To.....

You are hereby notified to appear before the undersigned, the county superintendent of schools for the county of....., State of Oregon, at....., on the..... day of....., at.....o'clock....., to show cause why your certificates of qualification as a teacher should not be suspended or revoked.

Dated this.....day of....., A. D. 18....

County school Superintendent.....County, Oregon.

FORM NO. 36.

Form of revocation of teacher's certificate :—

OFFICE OF COUNTY SCHOOL SUPERINTENDENT, }
COUNTY OF.....OREGON, }
....., 18.... }

To the several School Boards in the County of.....:

Whereas the undersigned did, on the.....day of....., 18...., execute and deliver to.....a certificate, authorizing.....to teach in the public schools of this county; and whereas upon due examination it has been made to appear that the said.....in consequence of.....[here state the cause—whether gross negligence of duty, incompetency, or immorality,] is unworthy longer to retain the same;

Now, therefore, in pursuance of the provisions of rules and regulations, Oregon school laws, the said certificate is hereby revoked.

In testimony whereof, I have hereunto subscribed my name this.....day of.....
A. D. 18....

County School Superintendent.....County, Oregon.

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FORM

This blank must be returned within thirty days after its receipt to the

[illegible]

STATE OF OREGON, }
-----COUNTY. } ss.

I, _____, do solemnly swear that the foregoing list includes
of Oregon, and that the above statement is true, as I verily believe.

Subscribed and sworn to before me this _____ day of _____, A. D. 18____

BLANK FORMS.

FORM NO. 38.

No.-----

SCHOOL HOUSE BOND.

\$-----

This certifies that-----has advanced to school district No.-----, of-----
 county, Oregon, the sum of-----dollars (\$-----), one third of which (\$-----) is represented
 by this bond. One year from date said district will pay to the holder of this bond (\$-----) together
 with-----years' interest on-----dollars (\$-----), at the rate of-----per cent per annum,
 both principal and interest to be payable in gold coin of the United States.

Directors of School District No.-----, -----County, Oregon.

-----, Oregon, -----, 18-----

FORM NO. 39.

Form of contract for building a schoolhouse:—

Contract made and entered into between A----- B-----, of-----, in
 the county of----- and State of Oregon, and C----- D-----, E-----
 F-----, and G----- H-----, composing the district board of school district No.-----, of
 -----, in the county of-----, and State of Oregon, and their successors in office.

In consideration of the sum of one dollar in hand paid, the receipt whereof is hereby acknowl-
 edged, and the further sum of-----dollars, to be paid as hereinafter specified, the said
 A----- B----- hereby agrees to build a-----schoolhouse, and to furnish the
 material therefor, according to the plan and specifications for the erection of said house, hereto
 appended, at such point in said district as said district board may designate. The said house is to
 be built of the best material, in a substantial, workmanlike manner, and is to be completed and
 delivered to the said district board, or their successors in office, free from any lien for work done,
 or material furnished, by the-----day of-----, 18-----. And in case the said house is not
 finished by the time herein specified, the said A----- B----- shall forfeit and pay to
 the said district board, or their successors in office, for the use of said district, the sum of-----
 dollars, and shall also be liable for all damages that may result to said district in consequence of
 said failure.

The said district board, or their successors in office, in behalf of said district, hereby agree to
 pay the said A----- B----- the sum of-----dollars when the foundation of said
 house is finished; and the further sum of-----dollars when the walls are up and ready for
 the roof, and the remaining sum of-----dollars when the said house is finished and delivered
 as herein stipulated.

It is further agreed that this contract shall not be sub-let, transferred, or assigned without the
 consent of both parties.

Witness our hands this-----day of-----, 18-----.

A----- B-----

Contractor.

C----- D-----

E----- F-----

G----- H-----

District Board.

BLANK FORMS.

91

FORM NO. 40.

Form of district clerk's notice to county school superintendent of list of elected (or appointed) school officers at all annual and special school meetings held in the district within the year (section 54, Oregon school laws) :—

To _____, OREGON, _____, 18____
 _____, County School Superintendent. _____, Oregon :

SIR : You are hereby notified that the officers of school district No. _____, county of _____ Oregon, for the ensuing year are as follows :

Names.	Time to serve.	Postoffice address.
Directors.		
_____	3 years _____	_____
_____	2 years _____	_____
_____	1 year _____	_____
Clerk.		
_____	1 year _____	_____

The amount of clerk's bond is \$ _____

The sureties are : { _____

 Chairman of Meeting.

 Clerk of District No. _____

NOTE.—The clerk serving up to the annual meeting on first Monday in March of each year will make and fill out a form the same as the above blank, and the chairman and himself sign it and forward to the county school superintendent.

FORM NO. 41.

Form of notice of county treasurer to county school superintendent of school moneys in his hands subject to apportionment :—

To the County School Superintendent of _____ County, Oregon :

I hereby certify that there is now in my hands the sum of _____ dollars \$ _____), school moneys, subject to apportionment to the several school districts of this county entitled thereto.

 County Treasurer.

_____, Oregon, _____, 18____

FORM NO. 42.

Form of notice for an adjourned district school meeting :—

Notice is hereby given that a meeting of the legal voters of school district No. _____, in the

BLANK FORMS.

county of _____, Oregon, will be held at _____, in said district, on the _____ day of _____, 18____, at _____ o'clock in the _____ noon, pursuant to adjournment.

Dated this _____ day of _____, 18____.

District Clerk.

NOTE.—The foregoing must be posted the same as for annual meeting.

FORM NO. 43.

Form of request for clerk to call a special district meeting :—

To _____, Clerk of School District No. _____, in the County of _____, Oregon :

SIR: You are hereby requested to call a special meeting of the above district on the _____ day of _____, 18____, at _____ o'clock in the _____ noon, for the purpose of _____ [here state the business to be transacted].

Dated this _____ day of _____, 18____.

Board of Directors.

NOTE.—The above notice must be signed by at least two directors and posted the same as for annual meeting.

FORM NO. 44.

Clerk's form of notice for special district meeting :—

Notice is hereby given to the legal voters of school district No. _____, in the county of _____, Oregon, that a special meeting of said district will be held at _____, on the _____ day of _____, 18____, at _____ o'clock in the _____ noon, for the following objects : _____ [here particularly specify each item of business to be acted upon].

Dated this _____ day of _____, 18____.

District Clerk.

NOTE.—The above must be posted as for an annual meeting.

FORM NO. 45.

Form of notice to be given by the clerk of the school district meeting to the officers-elect who were not present at the meeting :—

To _____,

You are hereby notified that at a meeting of school district No. _____, in the town of _____, Oregon, held on the _____ day of _____, 18____, you were duly elected _____ of said district.

Dated this _____ day of _____, 18____.

Clerk of District No. _____.

NOTE.—This notice is required to be given within ten days after the meeting, and only to those persons elected to office who were not present at the time.

FORM NO. 46.

Form of refusal to accept district director's office, to be filed with the clerk of the district :—

To the Clerk of School District No. _____, in the County of _____, Oregon :

You are hereby notified of my refusal to accept the office of director, to which I was elected at the meeting of said district held on the _____ day of _____, 18____

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable for non-performance of duty.

FORM NO. 47.

Form of an appointment to fill a vacancy in the district clerk's office :—

To _____.

The office of [clerk] of school district No. _____, in the county of _____, Oregon, having becoming vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this _____ day of _____, 18____

Directors.

NOTE.—It requires two members of the board to make an appointment. If they neglect for ten days to fill the vacancy, it must be done by the legal voters of the district. In either case, the appointment must be filed with the district clerk when appointed.

FORM NO. 48.

Form of refusal or acceptance of district clerk's office by appointment :—

To the District Board of School District No. _____ of the County of _____, Oregon :

You are hereby notified of my _____ [refusal or acceptance] of the office of clerk of school district No. _____ of said county, to which I was appointed by you on the _____ day of _____, A. D. 18____

Dated this _____ day of _____, 18____

NOTE.—A notice of refusal must be filed with the directors within ten days after the appointment, or the person shall be deemed to have accepted the office, and be liable for non-performance of duty.

FORM NO. 49.

Form of notice to district clerk to furnish additional security :—

To District Clerk of School District No. _____, _____ County, Oregon :

SIR : Deeming the security on your bond insufficient to protect the district against loss, we-

BLANK FORMS.

hereby require you to furnish a new bond in the sum of \$-----, with sureties to be approved by us, within ten days from the date hereof.

Dated this ----- day of -----, 18-----.

Directors.

FORM NO. 50.

Form of notice for meeting of school directors to decide upon, locate, and establish a schoolhouse site:—

The undersigned will be present at ----- on the ----- day of ----- at ----- o'clock in the ----- noon, to decide upon the location and establishment of a schoolhouse site for district No. -----, county of -----, Oregon, upon ----- [here describe the lands upon which it is proposed to establish the site].

Given under our hands this ----- day of -----, 18-----,

Directors.

NOTE.—In case the above notice is made for a joint district, the directors of all the districts concerned must sign the above notice and be present at the meeting to establish the site.

FORM NO. 51.

Form of certificate of action of board of directors in locating and establishing a schoolhouse site:—

We hereby certify that on the ----- day of -----, A. D. 18-----, we located and established a schoolhouse site for school district No. -----, county of -----, Oregon, comprising the following described territory: ----- [here describe the lands taken for a site according to the survey of the same], and award the sum of ----- dollars in full compensation to the owner [if there are two or more owners of the lands taken specify the amounts awarded to each] of the lands thus taken for said schoolhouse site.

Dated this ----- day of -----, 18-----.

Directors.

CONSTITUTION

OF THE

STATE OF OREGON.¹

CHAPTER IV.

We, the people of the State of Oregon, to the end that justice be SEPT. 18, 1857.
established, order maintained, and liberty perpetuated, do Preamble.
ordain this constitution.

ARTICLE I.

BILL OF RIGHTS.

1. We declare that all men, when they form a social compact, Principles of the social compact.
are equal in rights; that all power is inherent in the people, and
all free governments are founded on their authority, and instituted
for their peace, safety, and happiness; and they have at all times a
right to alter, reform, or abolish the government in such manner
as they may think proper.

2. All men shall be secured in their natural right to worship Religious worship.
Almighty God according to the dictates of their own consciences.

3. No law shall in any case whatever control the free exercise
and enjoyment of religious opinions, or interfere with the rights of
conscience.

4. No religious test shall be required as a qualification for any Religious test.
office of trust or profit.

¹ This constitution was framed by a convention of delegates, sixty in number, chosen at the general election on the first Monday in June, 1857, by virtue of an act of the Territorial assembly, passed December 12, 1856. The convention met at Salem on the third Monday in August, 1857, and adjourned September 18, the same year. The convention provided for submitting the constitution to a vote of the electors of the Territory on November 9, 1857, at which election the constitution was adopted, there being 7,195 votes for it, and 3,195 votes against it. On February 14, 1859, the act admitting Oregon into the Union with this constitution was approved, from which time it is deemed to have become a State. From the time of the formation of the constitution until the admission the Territorial government continued in full force and authority.

- SEPT. 18, 1857.
Same subject.
5. No money shall be drawn from the treasury for the benefit of any religious or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the legislative assembly.
- Witnesses.
6. No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.
- Oath of affirmation.
7. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.
- Freedom of speech.
8. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.
- Searches, seizures, and warrants.
9. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search or seizure; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.
- Courts not to be secret.
10. No court shall be secret, but justice shall be administered openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in person, property, or reputation.
- Rights of defendant.
11. In all criminal prosecutions the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed, to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.
- Not to be tried twice for the same crime.
12. No person shall be put in jeopardy twice for the same offense, nor be compelled in any criminal prosecution to testify against himself.
- Treatment of persons under arrest.
13. No person arrested or confined in jail shall be treated with unnecessary rigor.
- Bail.
14. Offenses, except murder and treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident or the presumption strong.
- Punishment of crime.
15. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.

16. Excessive bail shall not be required, nor excessive fines SEPT. 18, 1857. imposed. Cruel and unusual punishments shall not be inflicted, Excessive bail and fines. but all penalties shall be proportioned to the offense. In all criminal cases whatever the jury shall have the right to determine the Power of jury in criminal cases. law and the facts, under the direction of the court, as to the law and the right of new trial, as in civil cases.

17. In all civil cases the right of trial by jury shall remain in- Civil cases. violate.

18. Private property shall not be taken for public use, nor the Private property taken for public uses. particular services of any man be demanded without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.¹

19. There shall be no imprisonment for debt except in case of Imprisonment for debt. fraud or absconding debtors.²

20. No law shall be passed granting to any citizen or class of Exclusive privileges. citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

21. No *ex post facto* law, or law impairing the obligations of What laws shall not be passed. contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this constitution; *provided*, that laws locating the capital of the State, locating county seats, and submitting town and corporate acts, and other local and special laws, may take effect or not, upon a vote of the electors interested.

22. The operation of the laws shall never be suspended except How laws suspended. by the authority of the legislative assembly.

23. The privilege of the writ of *habeas corpus* shall not be sus- Habeas corpus. pended, unless, in case of rebellion or invasion, the public safety require it.

24. Treason against the State shall consist only in levying war Treason, evidence of. against it, or adhering to its enemies, giving them aid or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

25. No conviction shall work corruption of blood or forfeiture Effect of conviction. of estate.

¹ Private property condemned to the use of a corporation is taken for a public use, because the corporation is a public agent. A corporation has no right to the exclusive use of a right of way that is not necessary and useful in its corporate business, and therefore such right of way may be taken for another corporation engaged in the same business. Or. Cas. R. Co. v. Bailey, 3 Or. 165.

² The ordinary acceptance of the term "absconding debtor" includes an idea of secrecy. Norman v. Zeiber, 3 Or. 205. This clause construed not to apply to an action for a tort or a penalty, but as if it read: "There shall be no imprisonment for debt arising upon contract, express or implied," except, etc. U. S. v. Walsh, 1 Dedy, 285; Hansen v. Fowle, 1 Sawyer, 505.

- SEPT. 18, 1857.
Assemblages
of the people.
26. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their representatives; nor from applying to the legislature for redress of grievances.
- The right to
bear arms.
27. The people shall have the right to bear arms for the defense of themselves and the State, but the military shall be kept in strict subordination to the civil power.
- Quartering
soldiers.
28. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in manner prescribed by law.
- Titles of
nobility.
29. No law shall be passed granting any title of nobility, or conferring hereditary distinctions.
- Emigration.
30. No law shall be passed prohibiting emigration from the State.
- Rights of white
foreigners.
31. White foreigners who are or may hereafter become residents of this State shall enjoy the same rights in respect to the possession, enjoyment, and descent of property as native born citizens. And the legislative assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States.
- What immigra-
tion may be
restrained.
32. No tax or duty shall be imposed without the consent of the people or their representatives in the legislative assembly; and all taxation shall be equal and uniform.¹
- Taxes and
duties.
33. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.
- Enumeration
of rights, how
construed.
34. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.
- Prohibition of
slavery.
35. No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them.²
- Free negroes
and mulattoes.

¹ An assessment upon the lots and blocks abutting a street for the improvement thereof is not contrary to the clause requiring "taxation to be equal and uniform." *King v. City of Portland*, 2 Or. 151.

² This clause has been superseded and annulled by the XIV. amendment to the national constitution. *Ante*, p. 32.

ARTICLE II.

SUFFRAGE AND ELECTIONS.

Section 1. All elections shall be free and equal.

SEPT. 18, 1857.

Section 2. In all elections not otherwise provided for by this constitution, every white¹ male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

Elections free.

Qualifications of electors.

Section 3. No idiot or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited, by a conviction of any crime which is punishable by imprisonment in the penitentiary.²

Idiotic, insane, or convict.

Section 4.³ For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

Residence.

Section 5. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

Soldiers, seamen, or marines not to vote

Section 6. No negro, Chinaman, or mulatto⁴ shall have the right of suffrage.

Negro, Chinamen, etc.

¹ The effect of the XV. amendment to the national constitution "is to deprive the provisions of the State constitution and the acts of the State legislature, restricting the exercise of the right of suffrage to white persons, of all legal force and efficacy." *Wood v. Fitzgerald*, 3 Or. 579.

² A person convicted of a felony is not restored to the privileges of an elector by an unconditional pardon. *Darrah v. Bird*, 3 Or. 232; contra, *Wood v. Fitzgerald*, Id. 573.

³ This section does not prevent a person employed in the service of the United States or of the State from gaining a residence during such employment. *Darrah v. Bird*, 3 Or. 239; *Wood v. Fitzgerald*, Id. 572.

⁴ Negroes or mulattoes born or naturalized in the United States, and subject to the jurisdiction thereof, by virtue of the XIV. amendment, are now citizens of the United States, and the State wherein they reside, and therefore by virtue of the XV. amendment are entitled to the right of suffrage in this State the same as white citizens; and the same is true of all persons born or naturalized in the United States, and subject to the jurisdiction thereof. *The Slaughter House Cases*, 16 Wall. 36.

SEPT. 18, 1857. Bribery at elections.	Section 7. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.
Laws concern- ing elections.	Section 8. The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting election, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.
Duels.	Section 9. Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.
Lucrative offices.	Section 10. No person holding a ¹ lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly permitted; <i>provided</i> , that officers in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.
Collector, when ineligible to office.	Section 11. No person who may hereafter be a collector or holder of public money, shall be eligible to any office of trust or profit, until he shall have accounted for and paid over, according to law, all sums for which he may be liable.
Appointment <i>pro tempore</i> .	Section 12. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment <i>pro tempore</i> shall not be reckoned a part of that term.
When electors free from arrest and military duty.	Section 13. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.
General elec- tions, when held.	Section 14. General elections shall be held on the first Monday of June, biennially.
Votes to be given <i>viva</i> <i>voce</i> .	Section 15. In all elections by the legislative assembly, or by either branch thereof, votes shall be given openly, or <i>viva voce</i> , and not by ballot forever; and in all elections by the people, votes shall be given openly, or <i>viva voce</i> , until the legislative assembly shall otherwise direct.

¹ A deputy collector of internal revenue is such an office or appointment. Herman's case, Sen. Jour. 1870, p. 32. See note to Art. VII. § 17.

Section 16. In all elections held by the people under this constitution, the person or persons who shall receive the highest number of votes shall be declared duly elected. SEPT. 18, 1857.
Plurality shall elect.

Section 17. All qualified electors shall vote in the election precinct in the county where they may¹ reside, for county officers, and in any county in the State for State officers, or in any county of a congressional district in which such electors may reside, for members of congress. Electors.

ARTICLE III.

DISTRIBUTION OF POWERS.

Section 1. The powers of the government shall be divided into three separate departments—the legislative, the executive, including the administrative, and the judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as this constitution expressly provided. Powers of government.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Section 1. The legislative authority of the State shall be vested in the legislative assembly, which shall consist of a senate and house of representatives. The style of every bill shall be, "Be it enacted by the legislative assembly of the State of Oregon," and no law shall be enacted except by bill. Legislative authority.
Style of a bill.

Section 2. The senate shall consist of sixteen, and the house of representatives of thirty-four members, which number shall not be increased until the year eighteen hundred and sixty, after which time the legislative assembly may increase the number of senators and representatives, always keeping, as near as may be, the same ratio as to the number of senators and representatives; *provided*, that the senate shall never exceed thirty and the house of representatives sixty members. Number of senators and representatives

Section 3. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law. By whom chosen.

¹ A person who has no fixed place of residence is not entitled to vote anywhere, and the mere passing in and out of a precinct does not constitute a residence therein. *Darrah v. Bird*, 3 Or. 233. Where an elector has in good faith resided in a county ninety days next preceding an election, "but has no fixed residence or domicile in any particular precinct therein, he may vote in any precinct in which he finds himself on the day of election." *Wood v. Fitzgerald*, 3 Or. 580.

SEPT. 18, 1857.

Term of senators and representatives.

Senators, how classified.

Census.

Apportionment

Senatorial districts.

Qualification of senators, etc.

When free from arrest, etc.

Section 4. The senators shall be elected for the term¹ of four years, and representatives for the term of two years from the day next after their general election ; *provided, however*, that the senators elect, at the first session of the legislative assembly under this constitution, shall be divided by lot into two equal classes, as nearly as may be ; and the seats of senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years ; so that one half, as nearly as possibly, shall be chosen biennially forever thereafter. And in case of the increase of the number of senators, they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as possible.

Section 5. The legislative assembly shall, in the year eighteen hundred and sixty-five, and every ten years after, cause an enumeration to be made of all the white population of the State.

Section 6. The number of senators and representatives shall, at the session next following an enumeration of the inhabitants by the United States or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of senators and representatives shall be determined by dividing the whole number of white population of such county or district, by such respective ratios ; and when a fraction shall result from such division, which shall exceed one half of such ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitle such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes.

Section 7. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating senatorial districts.

Section 8. No person shall be a senator or representative who, at the time of his election, is not a citizen of the United States ; nor any one who has not been for one year next preceeding his election an inhabitant of the county or district whence he may be chosen. Senators and representatives shall be at least twenty-one years of age.

Section 9. Senators and representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the legislative assembly, and in going

¹ A person elected to fill a vacancy in the office of senator is not elected for the term of four years. Mosher's Case, Sen. Jour. 1872, p. 95.

to and returning from the same ; and shall not be subject to any civil process during the session of the legislative assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member, for words uttered in debate in either house, be questioned in any other place.

SEPT. 18, 1857.
Same subject.

Words uttered
in debate.

Section 10. The sessions of the legislative assembly shall be held biennially at the capital of the State, commencing on the second Monday of September, in the year eighteen hundred and fifty-eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law.

Sessions of the
legislative
assembly.

Section 11. Each house, when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments ; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor at any other place than that in which it may be sitting.

Election of
officers.

Judge of quali-
fication of
members, etc.

Section 12. Two thirds of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the five days until an organization shall have been effected.

Quorum.

Section 13. Each house shall keep a journal of its proceedings. The yeas and nays on any question shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal ; *provided*, that on a motion to adjourn, it shall require one tenth of the members present to order the yeas and nays.

Journal.

Yeas and nays.

Section 14. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of either house may require secrecy.

Open doors.

When session
may be secret.

Section 15. Either house may punish its members for disorderly behavior, and may, with the concurrence of two thirds, expel a member ; but not a second time for the same cause.

Punishment
and expulsion
of members.

Section 16. Either house, during its session, may punish by imprisonment any person not a member who shall have been guilty of disrespect to the house by disorderly or contemptuous behavior in its presence, but such imprisonment shall not at any time exceed twenty-four hours.

Punishment of
person not a
member.

Section 17. Each house shall have all powers necessary for a branch of the legislative department of a free and independent State.

General powers

SEPT. 18, 1857. Section 18. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of representatives.

Reading of bills and vote on final passage Section 19. Every bill shall be read by sections, on three several days, in each house, unless, in case of emergency, two thirds of the house where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Subject and title of act. Section 20. Every act shall embrace but one subject, and matters properly connected therewith, which subjects shall be expressed in the title.¹ But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Act to be plainly worded. Section 21. Every act and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

Mode of revision or amendment. Section 22. No act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length.²

What local or special laws not to be passed. Section 23. The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say,—

1. Regulating the jurisdiction and duties of justices of the peace, and of constables.³
2. For the punishment of crimes and misdemeanors.
3. Regulating the practice in courts of justice.
4. Providing for changing the venue in civil and criminal cases.
5. Granting divorces.
6. Changing the names of persons.
7. For laying, opening, and working on highways, and for the election or appointment of supervisors.
8. Vacating roads, town plats, streets, alleys, and public squares.
9. Summoning and empaneling grand and petit jurors.

¹ The object of this provision evidently was to prevent matters wholly foreign and disconnected from the subject expressed in the title from being inserted in the act. *Simpson v. Bailey*, 3 Or. 517.

² Where an act or section thereof is revised or amended it is not necessary to set forth and publish such act or section only as revised or amended. *Noland v. Costello*, 2 Or. 58; *Portland v. Stock*, Id. 72. A repeal of an act or section thereof is not a revision or amendment of the same, and therefore is not within this clause. *Bird v. Wasco*, 3 Or. 284.

³ This clause does not prevent the legislature from conferring upon the judge of a municipal court the power and authority of a justice of the peace within the municipal limits. *Ryan v. Harris*, 2 Or. 176; *Craig v. Mosier*, Id. 324; *State v. Wiley*, Ses. Laws, 1872, p. 421.

10. For the assessment and collection of taxes for State, county, township, or road purposes. SEPT. 18, 1857.
Same subject.

11. Providing for supporting common schools, and for the preservation of school funds.

12. In relation to interest on money.

13. Providing for opening and conducting the elections of State, county, or township officers, and designating the places of voting.

14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities by executors, administrators, guardians, or trustees.

Section 24. Provision may be made by general law for bringing suit against the State, as to all liabilities originating after or existing at the time of the adoption of this constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed. Suit against the State.

Section 25. A majority of all the members elected to each house shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses. Majority necessary to pass a bill.
Bill to be signed by speaker.

Section 26. Any member of either house shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal. Protest.

Section 27. Every statute shall be a public law, unless otherwise declared in the statute itself. What statute a public law.

Section 28. No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law. When act to take effect.

Section 29. The members of the legislative assembly shall receive for their services a sum not exceeding three dollars a day from the commencement of the session; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any one session. When convened in extra session by the Governor, they shall receive three dollars per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The presiding officers of the assembly shall, in virtue of their office, receive an additional compensation equal to two thirds of their per diem allowance as members. Compensation of members.

SEPT. 18, 1857.
When mem-
ber not eligible
to office.

Section 30. No senator or representative shall, during the time for which he may have been elected, be eligible to any office, the election to which is vested in the legislative assembly; nor shall he be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term, but this latter provision shall not be construed to apply to any officer elective by the people.

Oath of mem-
bers.

Section 31. The members of the legislative assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:—

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of Oregon, and that I will faithfully discharge the duties of senator (or representative, as the case may be,) according to the best of my ability.

And such oath may be administered by the Governor, Secretary of State, or judge of the supreme court.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Executive
power.

Section 1. The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight in any period of twelve years.

Term of office.

Qualifications
of Governor.

Section 2. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election a resident within this state.

Who not eligi-
ble.

Section 3. No member of congress, or person holding any office under the United States or under this State, or under any other power, shall fill the office of Governor; except as may be otherwise provided in this constitution.

Election of
Governor.

Section 4. The Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the legislative assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the legislative assembly.

Section 5. The person having the highest number of votes for SEPT. 18, 1857.
Governor shall be elected; but in case two or more persons shall In case of a tie.
have an equal and the highest number of votes for Governor, the
two houses of the legislative assembly, at the next regular session
thereof, shall forthwith, by joint vote, proceed to elect one of the
said persons Governor.

Section 6. Contested elections for Governor shall be determined Contested elec-
tion.
by the legislative assembly in such manner as may be prescribed
by law.

Section 7. The official term of the Governor shall be four years, Term of office.
and shall commence at such times as may be provided by this con-
stitution or prescribed by law.

Section 8. In case of the removal of the Governor from office, In case of va-
cancy or disa-
bility.
or of his death, resignation, or inability to discharge the duties of
the office, the same shall devolve upon the Secretary of State; and
in case of the removal from office, death, resignation, or inability,
both of the Governor and Secretary of State, the president of the
senate shall act as Governor until the disability be removed or a
Governor be elected.

Section 9. The Governor shall be commander-in-chief of the Governor com-
mander-in-chief.
military and naval forces of this State, and may call out such
forces to execute the laws, to suppress insurrection, or to repel
invasion.

Section 10. He shall take care that the laws be faithfully exe- To take care
that the laws
are executed.
cuted.

Section 11. He shall, from time to time, give to the legislative
assembly information touching the condition of the State, and
recommend such measures as he shall judge to be expedient.

Section 12. He may, on extraordinary occasions, convene the May convene
the legislature.
legislative assembly by proclamation, and shall state to both
houses, when assembled, the purpose for which they shall have
convened.

Section 13. He shall transact all necessary business with the To transact all
necessary busi-
ness with offi-
cers.
officers of government, and may require information in writing
from the officers of the administrative and military departments
upon any subject relating to the duties of their respective offices.

Section 14. He shall have power to grant reprieves, commuta- May grant re-
prieves, par-
dons, etc.
tions, and pardons, after conviction, for all offenses except treason,
subject to such regulations as may be provided by law. Upon
conviction for treason, he shall have the power to suspend the
execution of the sentence until the case shall be reported to the
legislative assembly, at its next meeting, when the legislative

SEPT. 18, 1857. assembly shall either grant a pardon, commute the sentence, direct
Same subject. the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the legislative assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Veto power. Section 15. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, Reconsideration. two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present, it shall become a law. But in all

Vote to be by yeas and nays. such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after the adjournment (Sundays excepted) shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the legislative assembly at its next session, in like manner as if it had been returned by the Governor.

Governor to fill vacancies by appointment. Section 16. When, during a recess of the legislative assembly, a vacancy shall happen in any office, the appointment of which is vested in the legislative assembly, or when at any time a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.¹

Issue writs of election. Section 17. He shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly.

¹ In case of a vacancy in the office of county judge, the appointment by the Governor is not for any unexpired term, but until a successor is elected and qualified, which may be done at the next general election; and the person then chosen is entitled to hold the office for the term of four years thereafter. *State ex rel. v. Johns*, 3 Or. 534.

Section 18. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State. SEPT. 18, 1857. Commissions.

ARTICLE VI.

ADMINISTRATIVE DEPARTMENT.

Section 1. There shall be elected by the qualified electors of the State, at the time and places of choosing members of the legislative assembly, a Secretary and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than eight in any period of twelve years. Election of Secretary and Treasurer of State.

Section 2. The Secretary of State shall keep a fair record of the official acts of the legislative assembly and executive department of the State; and shall, when required, lay the same and all matters relative thereto before either branch of the legislative assembly. He shall be by virtue of his office auditor of public accounts, and shall perform such other duties as shall be assigned him by law. Secretary of State.

Section 3. There shall be a seal of State, kept by the Secretary of State for official purposes, which shall be called "The seal of the State of Oregon." Seal of State.

Section 4. The power and duties of the Treasurer of State shall be such as may be prescribed by law. Powers and duties of treasurer.

Section 5. The Governor, and the Secretary, and Treasurer of State shall severally keep the public records, books, and papers in any manner relating to their respective offices at the seat of government, at which place also the Secretary of State shall reside. Office and records of executive officers.

Section 6. There shall be elected in each county, by the qualified electors thereof, at the time of holding general elections, a county clerk, treasurer, sheriff, coroner, and surveyor, who shall severally hold their offices for the term of two years. County officers.

Section 7. Such other county, township, precinct, and city officers as may be necessary shall be elected or appointed in such manner as may be prescribed by law. Other officers.

Section 8. No person shall be elected or appointed to a county office who shall not be an elector of the county; and all county, township, precinct, and city officers shall keep their respective offices at such places therein, and perform such duties as may be prescribed by law. Qualification of county officers

SEPT. 18, 1857. Section 9. Vacancies in county, township, precinct, and city
 Vacancies. offices shall be filled in such manner as may be prescribed by law.

ARTICLE VII.

JUDICIAL DEPARTMENT.

Judicial power of the State, in whom vested. Section 1. The judicial power of the State shall be vested in a supreme court, circuit courts, and county court, which shall be courts of record, having general jurisdiction, to be defined, limited, and regulated by law in accordance with this constitution. Justices of the peace may also be invested with limited judicial powers,¹ and municipal courts² may be created to administer the regulations of incorporated towns and cities.

Municipal court. Supreme court. Section 2. The supreme court shall consist of four justices,³ to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices and districts may be increased, but shall not exceed five until the white population of the State shall amount to one hundred thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no change of district shall have the effect to remove a judge from office, or require him to change his residence without his consent.

Justices of. Term of office. Section 3. The judges first chosen under this constitution shall allot among themselves their terms of office, so that the term of one of them shall expire in two years, one in four years, and two in six years, and thereafter one or more shall be chosen every two years, to serve for the term of six years.

Vacancy. Section 4. Every vacancy in the office of judge of the supreme court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment.

Who to be chief justice. Section 5. The judge who has the shortest term to serve, or the oldest of several having such shortest term and not holding by appointment, shall be the chief justice.

¹ Whether the jurisdiction of a justice of the peace shall be limited to \$100 or \$250, is left by this clause to the discretion of the legislature. *Noland v. Costello*, 2 Or. 58.

² The legislature may confer upon the judge of a municipal court the power and authority of a justice of the peace. *Ryan v. Harris*, 2 Or. 176; *Craig v. Mosier*, Id. 324; *State v. Wiley*, Ses. Laws, 1872, p. 421.

³ The number of justices of the Supreme Court was increased to five by act of the assembly, October 11, 1862.

Section 6. The supreme court shall have jurisdiction only to SEPT. 18, 1887. revise the final decisions of the circuit courts; and every cause shall Jurisdiction. be tried and every decision shall be made by those judges only, or a majority of them, who did not try the cause or make the decision in the circuit court.

Section 7. The terms of the supreme court shall be appointed Terms of supreme court. by law, but there shall be one term at the seat of government annually. And at the close of each term the judges shall file with the Secretary of State concise written statements of the decisions made at that term.

Section 8. The circuit court shall be held twice, at least, in each Circuit courts. year in each county organized for judicial purposes by one of the justices of the supreme court at times to be appointed by law, and at such other times as may be appointed by the judges severally in pursuance of law.

Section 9. All judicial power, authority, and jurisdiction not Jurisdiction. vested by this constitution or by laws consistent therewith exclusively in some other court shall belong to the circuit courts, and they shall have appellate jurisdiction and supervisory control over the county courts and all other inferior courts, officers, and tribunals.

Section 10. When the white population of the State shall When supreme and circuit judges may be elected in distinct classes. amount to two hundred thousand, the legislative assembly may provide for the election of supreme and circuit judges in distinct classes, one of which classes shall consist of three justices of the supreme court who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges who Duties of. shall hold full terms without allotment, and who shall take the same oath as the supreme judges.

Section 11. There shall be elected in each county, for the term County court. of four years, a county judge, who shall hold the county court at times to be regulated by law.¹

Section 12. The county court shall have the jurisdiction per- Jurisdiction. taining to probate courts and boards of county commissioners, and such other powers and duties and such civil jurisdiction not exceeding the amount of value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary as may be prescribed by law. But the legislative Commissioners of county courts. assembly may provide for the election of two commissioners to sit

¹ Under this section "the term attaches to the person," and any one elected a county judge is chosen for the full period of four years, and not merely to fill an unexpired portion of the four years for which a predecessor may have been chosen. State ex rel. v. Johns, 3 Or. 538.

SEPT. 18, 1857. with the county judge while transacting county business in any
 Same subject. or all the counties, or may provide a separate board for transacting such business.

Writs granted by co'ntry judge Section 13. The county judge may grant preliminary injunctions and such other writs as the legislative assembly may authorize him to grant, returnable to the circuit court, or otherwise, as may be provided by law; and may hear and decide questions arising upon *habeas corpus*; *provided*, such decision be not against the authority or proceedings of a court or judge of equal or higher jurisdiction.

Habeas corpus.

Expenses of court in certain counties. Section 14. The counties having less than ten thousand white inhabitants shall be reimbursed, wholly or in part, for the salary and expenses of the county court, by fees, percentage, and other equitable taxation of the business done in said court, and in the office of the county clerk.

Election of county clerk, etc. Section 15. A county clerk shall be elected in each county for the term of two years, who shall keep all the public records, books, and papers of the county, record conveyances, and perform the duties of clerk of the circuit and county courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred, the legislative assembly may authorize the election of one person as clerk of the circuit court, one person as clerk of the county court, and one person recorder of conveyances.

Legislature may divide the duties of co'ntry clerk.

Sheriff. Section 16. A sheriff shall be elected in each county for the term of two years, who shall be the ministerial officer of the circuit and county courts, and shall perform such other duties as may be prescribed by law.

Prosecuting attorneys. Section 17. There shall be elected by districts, comprised of one or more counties, a sufficient number of prosecuting attorneys,¹ who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police as the legislative assembly may direct.

Jurors. Section 18. The legislative assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. But the legislative assembly may modify or abolish grand juries.

¹ The duties of the office of prosecuting attorney and United States district attorney are incompatible, and the acceptance of the latter by a person holding the former will be deemed a resignation thereof. *State ex rel. v. Gibbs*, Or. Sup. Court, Jan. Term, 1873.

Section 19. Public officers shall not be impeached; but incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office and such further punishment as may have been prescribed by law. SEPT. 18, 1857.
Official delinquencies.

Section 20. The Governor may remove from office a judge of the supreme court, or prosecuting attorney, upon the joint resolution of the legislative assembly, of which two thirds of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. Removal of
Judges.

Section 21. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe and transmit to the Secretary of State the following oath: Oath of office.

"I, ———, do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the supreme and circuit courts of said State, according to the best of my ability, and that I will not accept any other office except judicial offices during the term for which I have been elected."

ARTICLE VIII.

EDUCATION AND SCHOOL LANDS.

Section 1. The Governor shall be Superintendent of Public Instruction, and his powers and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this constitution it shall be competent for the legislative assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties. Superintendent
of Public
Instruction.

Section 2. The proceeds of all the lands which have been or hereafter may be granted to this State for educational purposes (excepting the lands heretofore granted to and [aid] in the establishment of a university); all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devices, and bequests made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purposes of such grant shall not be stated; all the proceeds of the five hundred thousand acres Common school
fund.

SEPT. 18, 1857. of land to which this State is entitled by the provisions of an
Same subject. act of congress entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preëmption rights, approved September 4, 1841," and also the five per centum of the net proceeds of the sales of the public lands to which this State shall become entitled on her admission into the Union (if congress¹ shall consent to such appropriation of the two grants last mentioned), shall be set apart as a separate and irreducible fund, to be called the common school fund, the interest of which, together with all other revenues derived from the school land mentioned in this section, shall be exclusively applied to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

System of common schools. Section 3. The legislative assembly shall provide by law for the establishment of a uniform and general system of common schools.

Distribution of school fund. Section 4. Provision shall be made by law for the distribution of the income of the common school fund among the several counties of the State in proportion to the number of children resident therein between the ages of four and twenty years.

Sale of school lands. Section 5. The Governor, Secretary of State, and State Treasurer shall constitute a board of commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, and their powers and duties shall be such as may be prescribed by law; *provided*, that no part of the university funds, or of the interest arising therefrom, shall be expended until the period of ten years from the adoption of this constitution, unless the same shall be otherwise disposed of by the consent of congress for common school purposes.

ARTICLE IX.

FINANCE.

Assessment and taxation. Section 1. The legislative assembly shall provide by law for uniform and equal rate of assessment and taxation;² and shall pre-

¹ On February 9, 1871, congress passed a joint resolution assenting to such appropriation as follows: Joint resolution relative to school lands in the State of Oregon. Be it enacted, etc. That congress hereby assents to the application of the 500,000 acres of land granted to the State of Oregon by the act of congress, approved September 4, 1841, to the support of common schools, as provided in § 2, article VIII. of the constitution of said State; *provided*, that nothing herein shall influence the construction or effect of the act admitting said State into the Union, as to said application (16 Stat. 595.)

² An assessment upon the lots and blocks abutting a street for the improvement thereof is not unequal and ununiform assessment and taxation. King v. Portland, 2 Or. 151.

scribe such regulations as shall secure a just valuation for taxation SEPT. 18, 1857.
of all property, both real and personal, excepting such only for Same subject.
municipal, educational, literary, scientific, religious, or charitable
purposes as may be specially exempted by law.

Section 2. The legislative assembly shall provide for raising Current
revenue sufficient to defray the expenses of the State for each expenses.
fiscal year, and also a sufficient sum to pay the interest on the
State debt, if there be any.

Section 3. No tax shall be levied except in pursuance of law, Law levying
and every law imposing a tax shall state distinctly the object of tax.
the same, to which only it shall be applied.

Section 4. No money shall be drawn from the treasury but in How money
pursuance of appropriations made by law. drawn.

Section 5. An accurate statement of the receipts and expendi- Publication.
tures of the public money shall be published with the laws of each
regular session of the legislative assembly.

Section 6. Whenever the expenses of any fiscal year shall Tax for defi-
exceed the income, the legislative assembly shall provide for levy- ciency.
ing a tax for the ensuing fiscal year, sufficient, with other sources
of income, to pay the deficiency, as well as the estimated expense
of the ensuing fiscal year.

Section 7. Laws making appropriations for the salaries of public Appropriations
officers and other current expenses of the State shall contain pro-
visions upon no other subject.

Section 8. All stationery required for the use of this State shall Stationery,
be furnished by the lowest responsible bidder, under such regula- how furnished.
tions as may be prescribed by law. But no State officer or member
of the legislative assembly shall be interested in any bid or contract
for furnishing such stationery.

ARTICLE X.

MILITIA.

Section 1. The militia of this State shall consist of all able- Militia.
bodied male citizens between the ages of eighteen and forty-five
years, except such persons as now are or hereafter may be exempted
by the laws of the United States or of this State.

Section 2. Persons whose religious tenets or conscientious scru- Who exempt.
ples forbid them to bear arms shall not be compelled to do so in
time of peace, but shall pay an equivalent for personal service.

Section 3. The Governor shall appoint the adjutant-general Officers.

SEPT. 18, 1857. Same subject.	and the other chief officers of the general staff and his own staff, and all officers of the line shall be elected by the persons subject to military duty in their respective districts.
Staff officers.	Section 4. The majors-general, brigadiers-general, colonels, or commandants of regiments, battalions, or squadrons, shall severally appoint their staff officers, and the Governor shall commission all officers of the line and staff ranking as such.
Governor to commission.	
Legislature to make regulations for militia	Section 5. The legislative assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the constitution or laws of the United States or of the constitution of this State, and shall fix the rank of all staff officers.

ARTICLE XI.

CORPORATIONS AND INTERNAL IMPROVEMENTS.

Prohibition of banks.	Section 1. The legislative assembly shall not have the power to establish or incorporate any bank or banking company, or moneyed institution whatever; nor shall any bank, company, or institution exist in the State with the privilege of making, issuing, or putting into circulation any bill, check, certificate, promissory note, or other paper, or the paper of any bank, company, or person to circulate as money.
Corporations to be formed under general laws.	Section 2. Corporations may be formed under general laws, but shall not be created by special laws, except for municipal purposes. All laws passed pursuant to this section may be altered, amended, or repealed, but not so as to impair or destroy any vested corporate rights.
Municipal corporation.	
Liability of stockholders.	Section 3. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid, and no more.
Compensation for property taken by corporation.	Section 4. No person's property shall be taken by any corporation, under authority of law, without compensation ¹ being first made or secured, in such manner as may be prescribed by law.
Restrictions upon municipal corporations.	Section 5. Acts of legislative assembly incorporating towns and cities shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. ²

¹ Compensation for property appropriated to the use of a corporation consists (1) of the actual value of the parcel appropriated, and (2) of the excess of damages, if any, to the residue of the property, over the benefits thereto, by reason of such appropriation. *Willamette Falls L. & Co. v. Kelly, Or. 101.*

² § 135 of the act incorporating Portland prohibited the city from contracting an indebtedness exceeding \$50,000; *held*, that an ordinance assuming a liability of \$350,000, to be paid in semi-annual installments in the course of twenty years, although it provided for the payment of such installment by the levy of taxes as they fell due, was in violation of such section and void. *Coulson et ux. v. Portland, 1 Deady, 496.*

Section 6. The State shall not subscribe to or be interested in the stock of any company, association, or corporation. SEPT. 18, 1857.
State not to be a stockholder in company.

Section 7. The legislative assembly shall not loan the credit of the State, nor in any manner create any debts or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of war, or to repel invasion or suppress insurrection; and every contract of indebtedness entered into or assumed by or on behalf of the State, when all its liabilities and debts amount to said sum, shall be void and of no effect. Credit of the State not to be loaned.
Limitation upon the power of contracting debts.

Section 8. The State shall never assume the debt of any county, town, or other corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war. State not to assume county debts, unless.

Section 9. No county, city, town, or other municipal corporation, by vote of its citizens or otherwise, shall become a stockholder in any joint stock company, corporation, or association whatever, or raise money for or loan its credit to or in aid of any such company, corporation, or association. Municipal corporations.

Section 10. No county shall create any debts or liabilities which shall singly or in the aggregate exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion; but the debts of any county, at the time this constitution takes effect, shall be disregarded in estimating the sum to which such county is limited. Limitation upon powers of counties to contract debts.

ARTICLE XII.

STATE PRINTER.

Section 1. There shall be elected by the qualified electors of the State, at the times and places of choosing members of the legislative assembly, a State Printer, who shall hold office for the term of four years. He shall perform all the public printing for the State which may be provided by law. The rates to be paid to him for such printing shall be fixed by law, and shall neither be increased nor diminished during the term for which he shall have been elected. He shall give security for the performance of his duties as the legislative assembly may provide. State Printer.

ARTICLE XIII.

SALARIES.

Section 1. The Governor shall receive an annual salary of fifteen hundred dollars. The Secretary of State shall receive an Salaries of State officers.

SEPT. 18, 1857. annual salary of fifteen hundred dollars. The Treasurer of State
Same subject. shall receive an annual salary of eight hundred dollars. The
judges of the supreme court shall receive an annual salary of two
thousand dollars. They shall receive no fees or perquisites what-
ever for the performance of any duties connected with their
respective offices ; and the compensation of officers, if not fixed by
this constitution, shall be provided by law.

ARTICLE XIV.

SEAT OF GOVERNMENT.

Seat of govern- Section 1. The legislative assembly shall not have power to
ment, location establish a permanent seat of government for this State. But at
of. the first regular session after the adoption of this constitution, the
legislative assembly shall provide by law for the submission to the
electors of this State, at the next general election thereafter, the
matter of the selection of a place for a permanent seat of govern-
ment ; and no place shall ever be the seat of government under
such law which shall not receive a majority of all the votes cast
on the matter of such election.¹

State house. Section 2. No tax shall be levied or money of the State expended
or debt contracted for the erection of a State house prior to the
year eighteen hundred and sixty-five.

Seat of govern- Section 3. The seat of government, when established as provided
ment, how removed. in section one, shall not be removed for the term of twenty years
from the time of such establishment ; nor in any other manner
than as provided in the first section of this article ; *provided*, that
all the public institutions of the State, hereafter provided for by
the legislative assembly, shall be located at the seat of govern-
ment.

ARTICLE XV.

MISCELLANEOUS.

Section 1. All officers, except members of the legislative assem-
bly, shall hold their offices until their successors are elected and
qualified.

¹ By act of October 19, 1860, the location of the seat of government was submitted to the popular vote at the next general election in June, 1862, and every general election thereafter, until "some one point" should receive a majority of all the votes cast upon the question. At the election in 1862, no point received a majority of the votes. At the election in 1864, Salem received 6,108 votes, Portland 3,864 votes, Eugene 1,588 votes, and all other places 577 votes ; Salem received 79 majority of the whole vote cast, whereupon Salem was duly declared "the permanent seat of government."

Section 2. When the duration of any office is not provided for SEPT. 18, 1857. by this constitution, it may be declared by law; and if not so Tenure of office declared, such office shall be held during the pleasure of the authority making the appointment. But the legislative assembly shall not create any office, the tenure of which shall be longer than four years.

Section 3. Every person elected or appointed to any office under Oath of office. the constitution shall, before entering on the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this State, and also an oath of office.

Section 4. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the legislative assembly shall Lotteries prohibited. prevent the same by penal laws.

Section 5. The property and pecuniary rights of every married Property of married women. woman, at the time of marriage, or afterward acquired by gift, devise, or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.¹

Section 6. No county shall be reduced to an area of less than New counties. four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Section 7. No State officers or members of the legislative Officers to receive fee in certain cases. assembly shall directly or indirectly receive a fee, or be engaged as counsel, agent, or attorney in the prosecution of any claim against this State.

Section 8. No Chinaman, not a resident of the State at the Chinamen not to hold real estate, or work mining claim, unless. adoption of this constitution, shall ever hold any real estate or mining claim, or work any mining claim therein.

The legislative assembly shall provide by law in the most effectual manner for carrying out the above provisions.

¹ "Whatever property a woman has at the time of the marriage or afterward acquires by gift, devise, or inheritance, remains hers until she by her own consent, express or implied, parts with it." *Brummett v. Weaver*, 2 Or. 173. As to third person, at least, this provision has the effect to make the property therein described the separate property of the wife. *Starr v. Hamilton*, 1 Dedy, 274. As to what is the separate property of a married woman by the acts of the parties, independent of this provision, see *Id.* 273; *Dick v. Hamilton*, *Id.* 343. This provision is not retroactive, and therefore does not affect rights vested in the husband prior to February 14, 1859, when the constitution went into effect. *Starr v. Hamilton*, *Id.* 275. A gift from the husband, he acting in good faith and being solvent, is within this provision. *Id.* 279. A judgment against a married woman cannot be enforced against her separate estate, unless it appears therefrom that the debt was contracted for the benefit or on the credit of such estate. *Kennard v. Sax*, 3 Or. 267.

ARTICLE XVI.

BOUNDARIES.

SEPT. 18, 1857.
Boundaries of
the State.

Section 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit:—

Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same, thence northerly at the same distance from the line of the coast lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river, and when it is divided by islands, up the middle of the widest channel thereof,¹ [and in like manner up the middle of the main channel of Snake river] to the mouth of the Owyhee river; thence due south to the parallel of latitude forty-two degrees north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia river and Snake river, concurrently with States and Territories of which those rivers form a boundary in common with this State. But the congress of the United States, in providing for the admission of this State into the Union, may make the said northern boundary conform to the act creating the territory of Washington.

ARTICLE XVII.

AMENDMENTS.

Amendments
to constitution.

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the legislative assembly to be chosen at the next general election; and if, in the legislative assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislative assembly to submit such amendment or amendments to the electors of the State, and cause

¹ The act of February 14, 1859, (11 Stat. 383), admitting Oregon into the Union, changed this proposed boundary by substituting the following description for that contained in the words enclosed in brackets: "to a point near Fort Walla Walla, where the 46th parallel of north latitude crosses said river; thence east on said parallel to the middle of the main channel of the Shoshone or Snake river; thence up the middle of the main channel of said river."

the same to be published without delay at least four consecutive SECT. 18, 1857. weeks in several newspapers published in this State; and if a ma- Same subject. jority of said electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

Section 2. If two or more amendments shall be submitted in Two or more amendments. such manner, that the electors shall vote for or against each of such amendments separately; and while an amendment or amendments shall have been agreed upon by one legislative assembly, shall be awaiting the action of a legislative assembly, or of the electors, no additional amendment or amendments shall be proposed.

ARTICLE XVIII.

SCHEDULE.

Section 1. For the purpose of taking the vote of the electors of the State for the acceptance or rejection of this constitution, an Election for acceptance or rejection of the constitution. election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of delegate in congress, so far as applicable, except as herein otherwise provided.

Section 2. Each elector who offers to vote upon this constitu- Questions. tion, shall be asked by the judges of election this question:

Do you vote for the constitution—yes, or no?

And also this question:

Do you vote for slavery in Oregon—yes, or no?

And also this question:

Do you vote for free negroes in Oregon—yes, or no?

And in the poll-books shall be columns headed respectively, "constitution, yes"; "constitution, no"; "free negroes, yes"; "free negroes, no"; "slavery, yes"; "slavery, no."

And the names of the electors shall be entered in the poll-books, Returns of election. together with their answers to the said questions, under their appropriate heads. The abstracts of the votes transmitted to the Secretary of the Territory, shall be publicly opened and canvassed by the Governor and Secretary, or by either of them in absence of the other; and the Governor, or in his absence the Secretary, shall forthwith issue his proclamation,¹ and publish the same in the

¹ The following is the proclamation :

Whereas the people of the Territory of Oregon, through their delegates in congress assembled, prepared a constitution for their government under a State organization, and submitted the same, with certain propositions, to be approved and determined at an election which was held in the

SEPT. 18, 1857. several newspapers printed in this State, declaring the result of
Same subject. the said election upon each of said questions.

When constitu- Section 3. If a majority of all the votes given for and against
tion to be the constitution shall be given for the constitution, then this con-
adopted or re- stitution shall be deemed to be approved and accepted by the
jected. electors of this State, and shall take effect accordingly; and if a
majority of such votes shall be given against the constitution, then
this constitution shall be deemed to be rejected by the electors of
the State, and shall be void.

If majority of Section 4. If this constitution shall be accepted by the electors,
votes cast for and a majority of all the votes given for and against slavery, shall
slavery, section be given for slavery, then the following section shall be added to
to be added to the bill of rights, and shall be part of this constitution:—
the bill of rights.
rights.

“Section —. Persons lawfully held as slaves in any State, Ter-
ritory, or district of the United States, under the laws thereof,
may be brought into this State; and such slaves and their descend-
ants may be held as slaves within this State, and shall not be
emancipated without the consent of their owners.”

If majority of And if a majority of such votes shall be given against slavery,
votes given then the foregoing section shall not, but the following section shall
against slavery be added to the bill of rights, and shall be a part of this constitu-
tion:—

“Section —. There shall be neither slavery nor involuntary
servitude in this State, otherwise than as a punishment for crime,
whereof the party shall have been duly convicted.”

If majority of And if a majority of all the votes given for and against free
votes given negroes shall be given against free negroes, then the following sec-
against free tion shall be added to the bill of rights, and shall be a part of this
negroes. constitution:—

said Territory on the 9th day of November, A. D. 1857, in conformity to the provisions made by
said convention of delegates; and

Whereas it was provided further by said convention of delegates that the result of said election
should be announced by executive proclamation;

Therefore, to that end it is hereby declared and made known that at the said election, held on
the 9th day of November, A. D. 1857, there were 7,195 votes given for the adoption of the said con-
stitution, and 3,195 votes against its adoption. There were 2,645 votes given in favor of slavery, and
7,727 votes against slavery; and there were given 1,081 votes in favor of permitting the residence
of free negroes, and 8,640 votes against the same.

In testimony whereof I have hereunto set my official signa-
ture, and caused the seal of the Territory to be affixed
at Salem, this 14th day of December, A. D. 1857.

[L. S.]

By the Governor :

B. F. HARDING, Secretary.

December 9, 1857.

GEORGE L. CURRY,

¹ See clause 34 of bill of rights.

"Section —. ¹No free negro or mulatto, not residing in this State SEPT. 18, 1857.
at the time of the adoption of this constitution, shall come, reside, Same subject.
or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the legislative assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them."

Section 5. Until an enumeration of the white inhabitants of A'portionment of senators and representatives
the State shall be made, and the Senators and Representatives apportioned as directed in the constitution, the county of Marion shall have two Senators and four Representatives; Lane, two Senators and three Representatives; Clackamas and Wasco, one Senator jointly, and Clackamas three Representatives and Wasco one Representative; Yamhill, one Senator and two Representatives; Polk, one Senator and two Representatives; Benton, one Senator and two Representatives; Multnomah, one Senator and two Representatives; Washington, Columbia, Clatsop, and Tillamook, one Senator jointly, and Washington one Representatives, and Washington and Columbia one Representative jointly, and Clatsop and Tillamook one Representative jointly; Douglas, one Senator and two Representatives; Jackson, one Senator and three Representatives; Josephine, one Senator and one Representative; Umpqua, Coos, and Curry, one Senator jointly, and Umpqua one Representative, and Coos and Curry one Representative jointly.

Section 6. If this constitution shall be ratified, an election shall Election under the constitution and organization of the State.
be held on the first Monday in June, 1858, for the election of members of the legislative assembly, a representative in congress, and State and county officers, and the legislative assembly shall convene at the capital on the first Monday of July, 1858, and proceed to elect two senators in congress, and make such further provision as may be necessary to complete the organization of a State government.

Section 7. All laws in force in the Territory of Oregon when Former laws.
this constitution takes effect, and consistent therewith, shall continue in force until altered or repealed.

Section 8. All officers of the Territory of Oregon, or under its Officers to continue in office until.
laws when this constitution takes effect, shall continue in office until superseded by the State authorities.

Section 9. Crimes and misdemeanors committed against the Crimes against the Territory.
Territory of Oregon shall be punished by the State as they might

¹ See clause 35 of bill of rights.

SEPT. 18, 1857.	have been punished by the territory if the change of government
Same subject.	had not been made.

Section 10. All property and rights of the Territory and of the several counties, subdivisions, and political bodies corporate of or in the Territory, including fines, penalties, forfeitures, debts, and claims of whatsoever nature, and recognizances, obligations, and undertakings to or for the use of the Territory or any county, political corporation, office, or otherwise to or for the public, shall enure to the State, or remain to the county, local division, corporation, officer, or public as if the change of government had not been made; and private rights shall not be affected by such change.

Judicial districts.

Section 11. Until otherwise provided by law, the judicial districts of the State shall be constituted as follows: The counties of Jackson, Josephine, and Douglas shall constitute the first district; the counties of Umpqua, Coos and Curry, Lane and Benton shall constitute the second district; the counties of Linn, Marion, Polk, Yamhill, and Washington shall constitute the third district; the counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop, and Tillamook shall constitute the fourth district; and the county of Tillamook shall be attached to the county of Clatsop for judicial purposes.

Attestation. Done in convention at Salem the eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second.

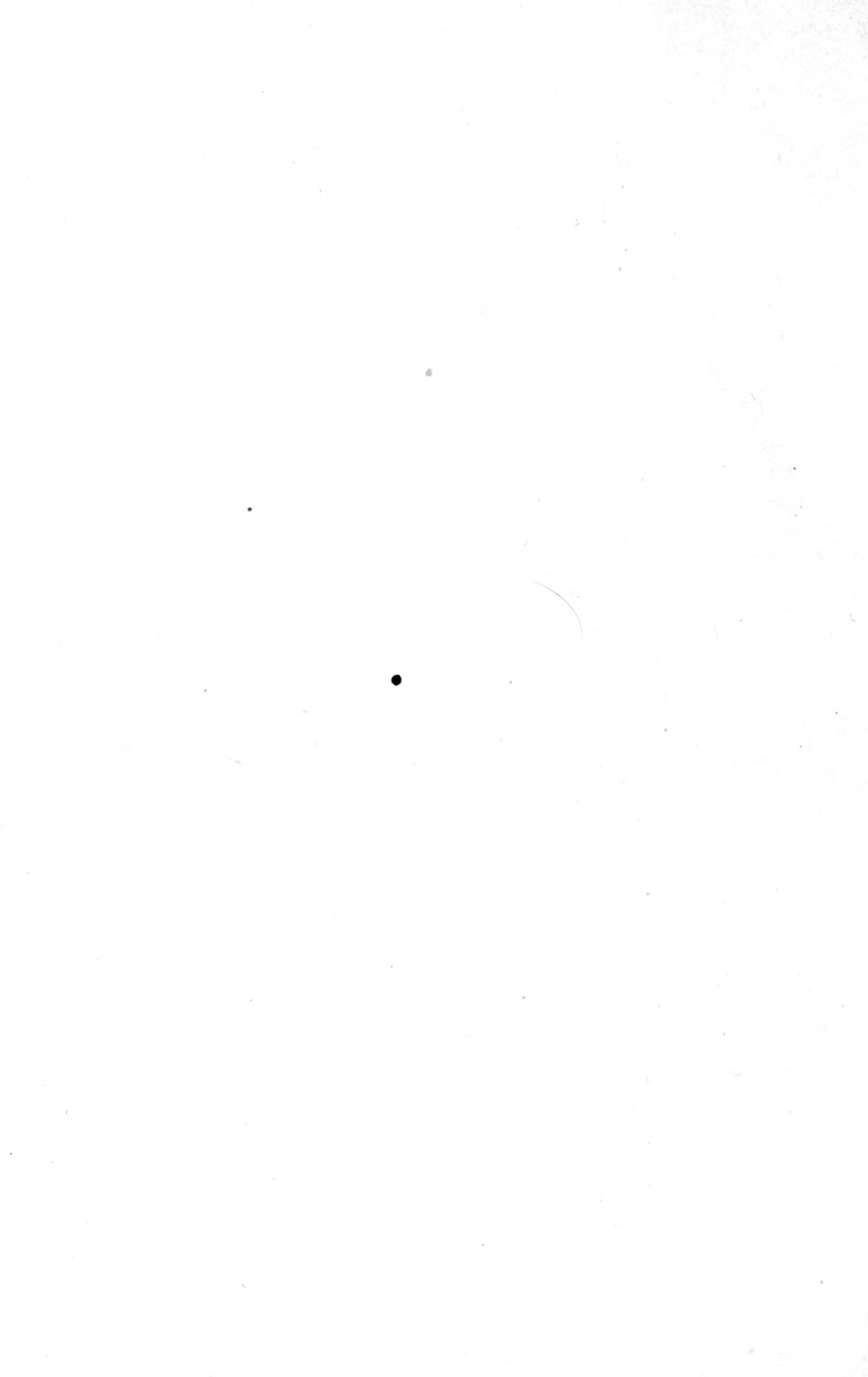
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MATTHEW P. DEADY,
CHESTER N. TERRY, President.
Secretary.

MISCELLANEOUS.

CHAPTER. V.

Including suggestions to superintendents and institute conductors ; suggestions for the use of school officers ; school architecture.



SUGGESTIONS TO SUPERINTENDENTS AND INSTITUTE CONDUCTORS.

DAILY PROGRAMME OF A NORMAL INSTITUTE FOR SIX DAYS.

FORENOON.

General discussion by the entire institute, 9 to 10 o'clock.

TIME, 10 TO 10:30.		TIME, 10:30 TO 11.		TIME, 11 TO 12.	
First day.	Second day.	Third day.	Fourth day.	Fifth day.	Sixth day.
Orthography—Methods of and principles.	Reading—Methods of and principles.	Arithmetic—Methods of and principles.	History—Methods of.	Language—Methods of.	Geography—Methods of.

AFTERNOON.

General discussion by the institute, 1 to 2 o'clock.

TIME, 2 TO 2:30.		TIME, 2:30 TO 3.		TIME, 3 TO 4.	
First day.	Second day.	Third day.	Fourth day.	Fifth day.	Sixth day.
Object Lessons—Methods of.	Penmanship—Methods of.	Arithmetic—Methods of and principles.	Language—Methods of.	School Organization—Methods of.	School Recitations—Methods of.

Evening exercises may consist of lectures and general discussions.

NOTE.—The above programme is merely suggestive of the work that may be accomplished within the time specified by an active conductor and assistant instructors who give strict attention to economy in time and methods of work. The programme itself may be readily revised to meet the wants of the several districts and counties.

INSTITUTE WORK.

THE MAJOR OBJECTS OF THE INSTITUTE.

1. To acquaint teachers with the best and latest methods of instruction.
2. To increase the efficiency of teachers by giving a distinct idea of the true ends of education; by giving some knowledge of the science of teaching; by illustrating latest methods of imparting instruction; by giving a correct idea of what constitutes a good school.
3. To secure a uniformity of work in methods of organization; in school records, schedules, programmes, etc.; in school government; in school recitations.
4. The institute awakens a general interest in education.

MINOR OBJECTS.

1. To gain inspiration in teaching.
2. To gain professional information.
3. To learn to avoid "stereotype methods," or "ruts."
4. Teachers may compare themselves professionally with their associate teachers.
5. The institute produces a feeling of professional pride, a necessary element to secure success.
6. To correct prevailing faults, consisting of: Waste of time in movement of classes; in conducting recitations and managing classes; in repeating work done by predecessors; wrong, methods arising from lack of experience.

WAYS AND MEANS.

- | | |
|---------------------------------------|------------------------|
| 1. Lectures and talks. | 5. General discussion. |
| 2. Class exercises for illustrations. | 6. Critic's work. |
| 3. Questions and answers. | 7. Query box. |
| 4. Diagrams and notes. | |

SUGGESTIONS TO MEMBERS.

1. Attend each session promptly and regularly.
2. Make copious notes of the work done, and keep them for future use in the schoolroom.
3. Give your earnest attention to the instructors, and enter heartily into all general exercises.
4. Ask questions of instructors at the close of each exercise.
5. In conducting *general discussions*, the conductor should require members participating to confine themselves to the *general principles* of the question in hand, and not distort the discussion into "pet" specialties or personalities. Members should remember that the institute is a *school*, and not a *debating society*; instructors, that they are to teach rather than lecture.

GENERAL SUGGESTIONS.

1. It is the province of the institute to show that the teacher is awake to the highest interests of his profession, and, through his agency, the meritorious teacher is afforded the opportunity of organized improvement.
2. The conductor should require members to be punctually present, and no time should be lost with useless preliminaries; neither should he permit the exercises to become dull and monotonous.
3. Promptness and dispatch should mark all rulings of the conductor; much of the interest and profit arising from the institute may be secured by prompt and equitable decisions. The conductor should not retard the work with lengthy discussions of technicalities, nor should the time of the institute be consumed nor its best purposes thwarted by an ostentatious display of parliamentary usage.
4. The *place* of meeting is important, and should be well considered. The *time* is equally important, and other features being favorable, the most convenient session is, perhaps, during the summer vacation.
5. The *notice* of the meeting should be ample, by programme, circulars, and the public press.
6. In the normal institute, if the attendance of teachers is very large, more effective work may be secured by making subdivisions of classes.

SUGGESTIONS FOR THE USE OF SCHOOL OFFICERS.

SCHOOL MEETINGS.

1. Notice of all district meetings should be given as prescribed by law, and the object for which the meeting is called should be explicitly and minutely set forth.
2. The presiding officer is designated in section 36 of the school law. It is his duty to call the meeting to order, and, on the appearance of a quorum, to proceed to business.
3. The clerk of the district is *ex officio* secretary of the meeting, and it is his duty to record all motions voted upon by the meetings, also all items of importance to the district should be noted, the minutes being completed, if possible, and presented to the meeting prior to adjournment. All minutes should be properly recorded and preserved in the district record-book.
4. The chairman of the meeting should preserve order, and he may speak on *points of order* in preference to other members. He decides all points and questions of order, subject to an appeal to the meeting by motion regularly made and seconded, and no other business shall succeed until the question on appeal has been determined. The form of putting a question on appeal is as follows: "Shall the decision of the chair stand as the judgment of the meeting?" The chairman may vote on an appeal. No second appeal should be entertained until the original appeal is disposed of.
5. The chairman should put all questions clearly in order, but he should not put irregular motions, or motions made at improper times.
6. All business coming before the meeting should be in the form of a written resolution, order, or motion. This is regular, and will aid the clerk in keeping accurate minutes.
7. The chairman, in putting a question, should rise in his place and distinctly state the motion. All questions should be put in the order in which they are moved. After a motion is stated by the chairman it is in possession of the meeting to be disposed of by vote. The question may be withdrawn by the mover, pending discussion, before a decision is reached or before an amendment is offered, except a motion to reconsider.
8. No member is entitled to address the meeting except under a pending motion which has been seconded, or by special privilege or rule of the meeting.
9. No member is entitled to speak more than twice upon the same question, except by special permission of the meeting.
10. The following motions take precedence over all others: The motion to adjourn, the motion to lay on the table, the motion for the previous question, the motion to postpone. These several motions are not debatable.
11. The motion to *adjourn* is first in order, and always in order; but having once failed, it should not be repeated until other business has been transacted.
12. The motion to *lay on the table* is a temporary one; its main purpose usually is to secure time for consideration before the previous question is ordered.
13. The *previous question* is disposed of as follows: The chairman demands, "Shall the main question be now put?" After it is moved, the motion is not debatable.
14. *Indefinite postponement* is the last motion before the vote in passing or rejecting any proposition.
15. Members have an equal right to the floor, and when two or more rise at once, the chairman names the one entitled to speak; *provided*, that no member should be allowed to speak more than once till other members have been granted the same privilege.
16. No member speaking should be interrupted by another but by rising to *call to order*.
17. Any member may call for a "division" of a question when the sense will admit of it, and the chairman should decide this, generally, without appeal.
18. The *unfinished business* of any meeting should have preference at any meeting immediately subsequent. The usual rule in this case seems to be that all questions relating to the *priority of business* to be acted upon shall be decided without debate.

19. No rule or order should be dispensed with, altered, or repealed unless two thirds of the members present consent thereto.

20. To prevent hasty and inconsiderate action on matters which may not be well understood at once, and perhaps, to prevent long and irrelevant debate, every motion, order, or resolution, offered by members, *should be reduced to writing* prior to the presentation to the secretary or meeting.

SCHOOL ARCHITECTURE.

In view of the fact that over one hundred and twenty schoolhouses have been erected annually for the last six years in this State, it has been thought useful to school patrons and school officers to suggest some approved plans in school architecture.

As the Superintendent of Public Instruction is frequently consulted personally, and also by letter, relative to plans for district schoolhouses, the addition here made will, in a measure, meet this general want.

Reports of the leading school systems in the United States have been carefully examined, and in addition to this, valuable suggestions have been received from eminent architects in this State.

COUNTRY SCHOOLS.

LOCATION.

1. It is assumed that the school district has been accurately surveyed, and the metes and bounds recorded. Without this the choice must be, to some extent, guess work. The location should be as near as may be convenient to the geographical center of the district; but reference must be had to the roads by which it can be reached and the impediments that may lie in the way. In rural districts the geographical center, when access is easy, should be preferred to the center of population, because the latter is liable to change.

SITE.

2. Hollows and the edges of swamps should be avoided. Hill tops are also objectionable. A moderate elevation, from which the ground slopes in all directions, is to be preferred. A piece of woods, which would shelter the house from the prevalent winds of winter, is a great protection; but no trees should be allowed to stand within fifty feet of the building.

ORIENTATION.

3. This question has not yet been settled by theorists. So much depends on the location and the site, and the kind of building that is erected, that no general rule can be given. Considering that the country schoolhouse is usually closed for about four months in summer, it will generally be most convenient to have the house built so that pupils may sit facing the north; the windows should then be on the east and west sides.

PLAN AND SIZE.

4. Let us, for the sake of simplicity, confine our attention to the country schoolhouse, with one teacher and an attendance of from twenty to fifty pupils. In such schoolhouse, more than two thirds of the people of the United States have received and will receive their elementary education. A square house is objectionable. The length should be about one third greater than

the width. This gives room for the teacher's platform and for a recitation bench, and places the desks in a square block in front of the teacher. There should be at least twelve square feet of floor space for each pupil. The ceiling should be twelve and a half feet in average height; this will allow each pupil 120 cubic feet of air space, and under no circumstances should there be less than this amount. A house 24 x 18, inside measurement, will accommodate twenty-two pupils; a house 28 x 21 will accommodate forty pupils; 24 x 32, fifty pupils. It is advisable to build a house large enough for an attendance one fourth larger than the number usually going to school in the district. The new house attracts better teachers, and the double attraction secures more pupils.

LIGHT, HEAT, AND VENTILATION.

5. If the teacher's platform is on the north side of the house and the pupils' entrance on the south side, the windows should be on the east and west—none on the other sides. The eastern windows should be grouped towards the north, and the western windows should be grouped towards the south. If the windows are equally distributed over the walls, the lighting is bad for some purposes, and there is no good place for blackboards. If two fifths of the length of each of the two walls (the eastern and western) is assigned to a group of windows, the remaining wall-space is ample for blackboard surface, and each blackboard is exactly opposite to a window. The placing of blackboards on the piers between the windows is very objectionable. Whether the blackboard surface is wood, or slate, or plaster, it should be a permanent part of the wall itself. Slate is in the long run the *cheapest*, as it is also the best material. Movable blackboards in small houses are troublesome.

A ventilating stove is the best available source of heat. It costs little more than an ordinary stove. Almost any stove can be converted into a "ventilator" by surrounding it with a sheet-iron jacket and bringing a tube from the exterior air to the space between the stove and the outer casing. The chimney flue should be divided longitudinally into two parts, one for the escape of smoke and the other for the escape of vitiated air. The opening for the latter purpose should be at or very near the floor. The best place for the stove is usually the northwest corner of the house. Two moderate-sized stoves, placed in different corners, are better than one large one. Only one of them is needed in moderate weather, and two will make the room comfortable in the coldest part of winter. A large stove in the middle of the schoolroom is an unsightly obstruction, and tends to produce disorder. A ventilating stove placed in the northwest corner, with a stovepipe extending almost to the ceiling, and by a horizontal branch entering a flue in the southwest corner, will give an almost equable temperature in all parts of the room. The opening into such a smoke-flue near the floor will be a very efficient aid to ventilation, but the opening should be protected by a register which can be closed at pleasure.

It frequently happens that such aids to ventilation as have been described are not sufficient. Our reliance must then be placed on the doors and windows. The windows should be within twelve inches of the ceiling, and should come down to the level of the desks. They should be in two sashes, with cords and pulleys to move up and down. It is quite a common practice to lower the top sashes a few inches, and keep them in this position while the school is in session. This is a double error—it lets out the pure, warm air, which we wish to retain, and lets in a stream of cold air directly on the heads of the pupils. If the ventilating flue, with an opening at the floor, is not sufficient to carry off the impure air, the best plan is to open every door and window in the building for one or two minutes, not more than three minutes, and when the room has been thoroughly flushed with fresh air, close all the openings. If necessary, the operation may be repeated at the end of every hour.

WARDROBES OR CLOAK ROOMS.

6. A place for depositing the outer garments in safety and in an orderly manner is a necessity in even cheapest and smallest schoolhouses. Such a place is often obtained by building a vestibule in front of the house. This arrangement improves the external appearance of the house, but it is comparatively costly and not free from other objections. The cheapest and best plan in a house of only one room is to cut off from the south side of the room two small cloak rooms, one for the boys and one for the girls. The pupils' entrance is by a door leading into the small pass-

age between these two closets. There is no door to the closets; an arched doorway always open exposes the interior of the closets at all times to the eye of the teacher, whose desk is in the north side of the house. These closets should be furnished with suitable clothes-pins, and with shelves to hold lunch baskets.

LARGER HOUSES.

7. If two rooms are needed they should be on the same floor and separated by a glass partition with moveable sashes. A front room 34x32, and a back room 24x30, will accommodate about one hundred pupils. The flues should be in the walls adjoining the partition. For three rooms the building should be of a T shape, the perpendicular line representing a room 24x32, and the horizontal line two rooms, each 28x21. The flues may be conveniently placed in the angles where the front building adjoins the rear building. For four rooms place a corridor six feet wide between two sets of rooms, such as are described in the beginning of this paragraph. It is only when more than four rooms are needed, or where the ground is unusually expensive, that a two-story house should be built.

PLASTERING.

8. As most of country schoolhouses are closed during nearly half the year, the plastering is apt to be affected by the damp. The walls should be wainscoted to the height of four feet from the floor. If the rest of the wall were sheathed with wood of a lighter color than the wainscoting and the ceiling covered with the same material, it would be found much better than plaster, more ornamental, more durable, and not so much more expensive.

OUTBUILDINGS.

9. The health and comfort of teacher and pupils demand :—

First—That a substantial woodshed be built and a sufficient supply of good fuel be placed therein at the beginning of each term.

Second—Common decency always demands that water-closets be provided and placed in the opposite rear angles of the school yard, or in some other convenient situation.

Gravel, plank, or brick should be laid from the schoolhouse to these buildings. The advantages of placing these closets in easy and convenient communication with the schoolroom are numerous. The fierce winds in winter, the wet and soft grounds in fall and spring, are dangerous exposures to delicate children in leaving a hot room, and who are compelled to traverse the length of the play-ground through mud and water to a mean and miserable shed through which the wind constantly and freely blows. These water closets should be simple and substantial in construction, and not too large. Two feet and a half room is ample for each child, and never under any circumstances should there be two seats in the same enclosure. Each seat should be in an enclosure by itself, and the screens between each one should be six feet in height, or more. In very many delicate and nervous children nature refuses to perform its usual functions, however great the necessity, in the presence of others or under unaccustomed circumstances, and a decent privacy in the school conveniences is necessary to save such from daily pain, and more often, serious consequences. The promiscuous arrangement and condition of the ordinary school privileges urgently demand that these necessary appliances should receive at least as much care as the other circumstances of school life.

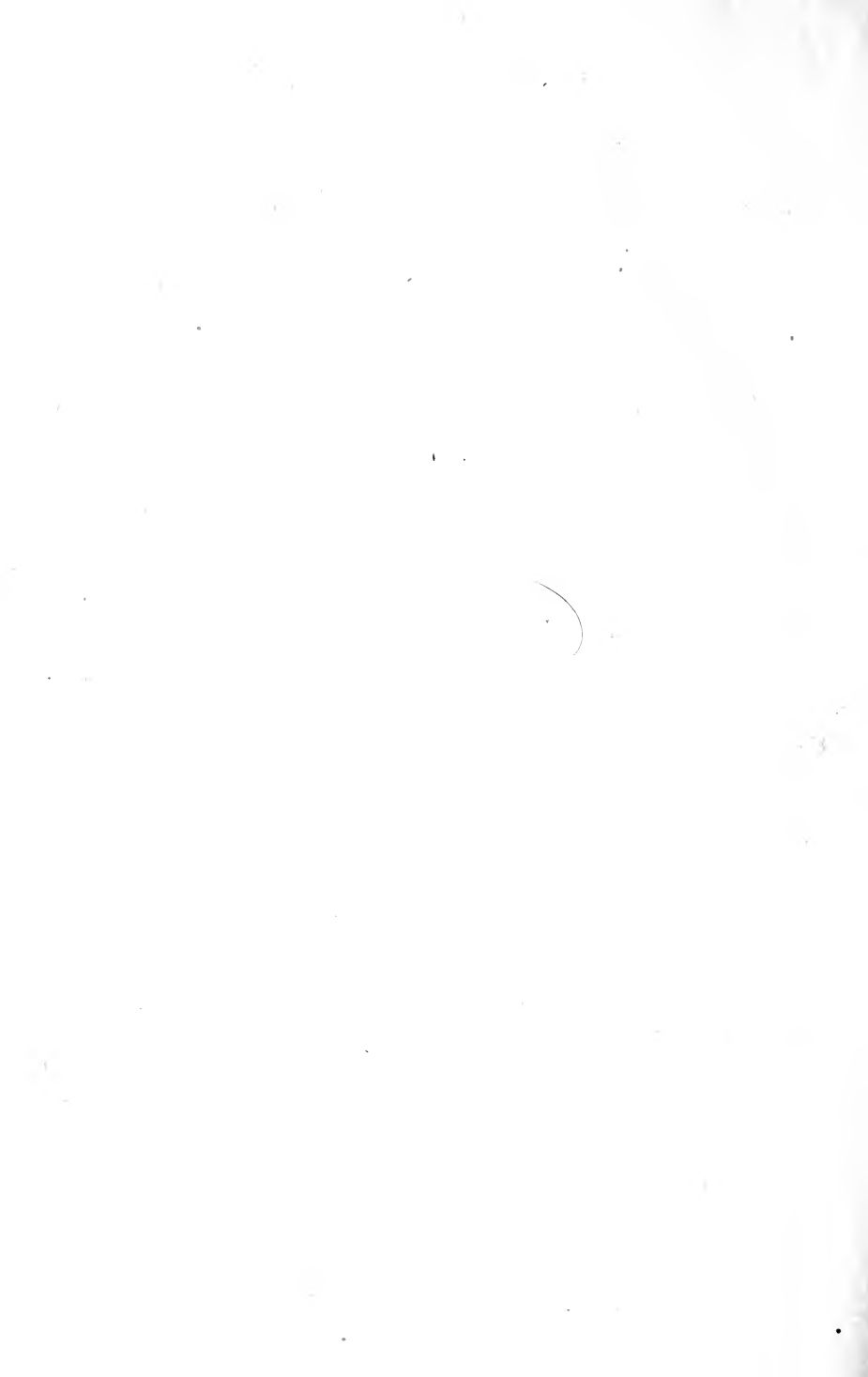
APPARATUS.

10. Globes, charts, numeral frames, outline wall maps, ink, paper, textbooks, cube and square root blocks are necessary appliances for the efficient management of every school.

FURNITURE.

11. Among the indispensable articles of furniture are a few chairs, a teacher's table, black-boards and crayons, a clock, a dictionary, a water pail and cups, pointers, erasers, brooms, and brushes. Each school should be furnished with a closet in which the movable property may be secured.

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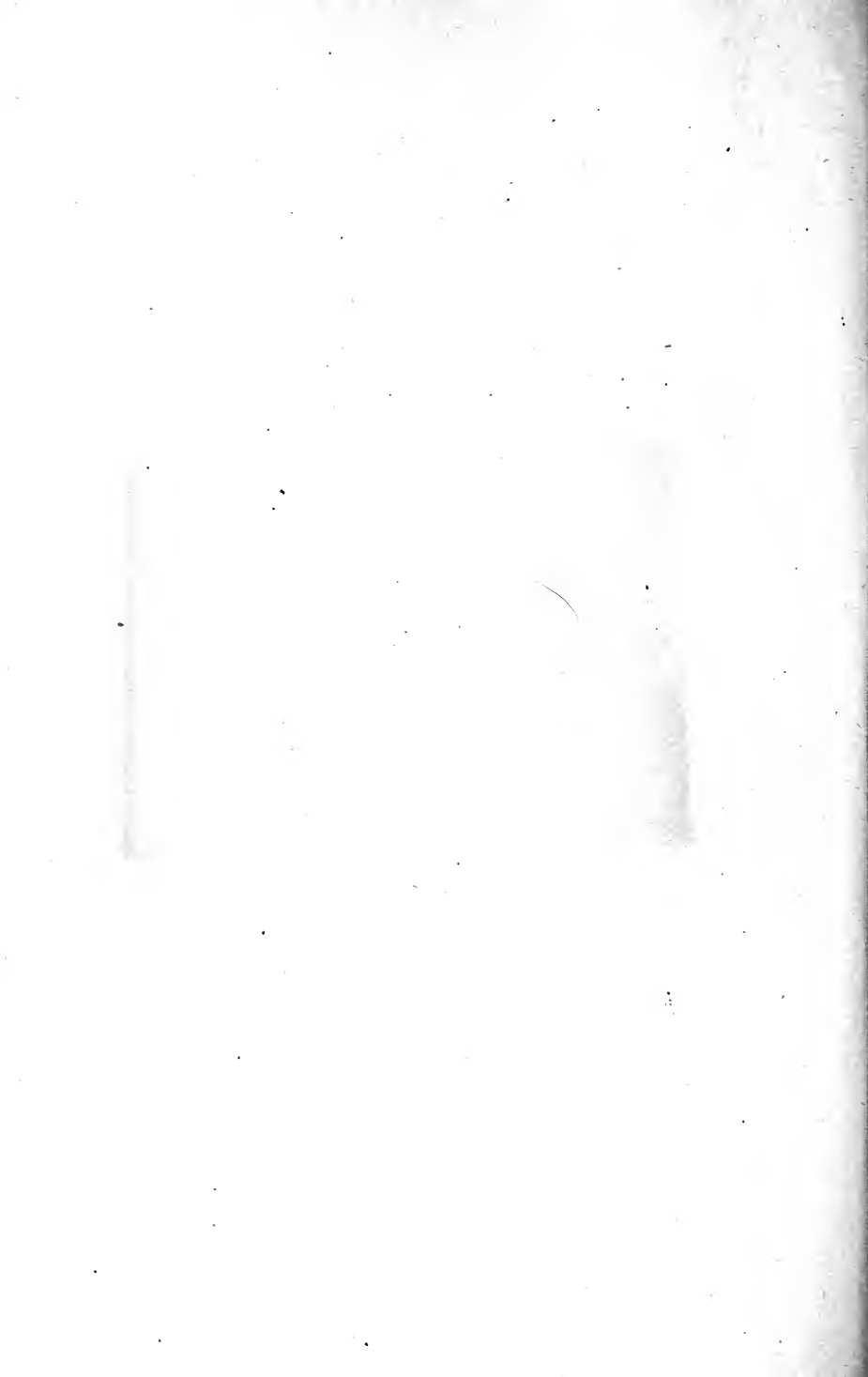
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